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the school fund, unless the same has been, pursuant hereto, actually kept, or is under contract to be kept, by a qualified teacher for not less than five months during the same school year, free of expense to every pupil child, as prescribed above. In order that each child of the Commonwealth may enjoy the benefits of a five months' school, the Superintendent of Public Instruction shall, for each school year after June 30, 1893, apportion the fund due each county having one or more districts of less than forty-five pupil children as follows: He shall apportion to each district, without regard to school population, the per capita of forty-five pupil children, both from the fund derived from the State and the interest on the county bond, if any, and prorate the remainder of the fund among the districts having more than forty-five such children: *Provided*, That any fractional balance shall be omitted in computing the said per capita, and that the aggregate of fractional balances shall be credited to the respective counties, and be taken into account the following year.

§ 3. The school year shall begin on the first day of July and end on the thirtieth of June.

§ 4. Twenty school days, or days in which teachers are actually employed in the school-room, shall constitute a school month in the common schools of the State. Teachers shall have the benefits of only such legal holidays as they actually observe. Six hours of actual work in the school room shall constitute a school day; and under no circumstances shall the daily session, including recesses and intermissions, exceed nine hours in length. When the attendance exceeds fifty, the teacher shall employ, during such attendance, an assistant, whose scholarship and competency shall be acceptable to the trustees. When the school shall require an assistant to serve regularly at a salary, such assistant shall hold a certificate of qualification, and be employed by the trustees.

§ 5. All pupils who may be admitted to common schools shall comply with the regulations established in pursuance of law for the government of such schools. Willful disobedience or defiance of the authority of the teacher, habitual profanity or vulgarity, or other gross violation of propriety or law, shall constitute good cause for suspension or expulsion from school.

§ 6. No books or other publications of a sectarian, infidel or immoral character shall be used or distributed in any common school; nor shall any sectarian, infidel or immoral doctrine be taught therein.

§ 7. Whenever a pupil of any common school shall have faithfully completed the prescribed course of study, shall have passed a proper examination before the county board of examiners on a series of questions prescribed by the State Board of Examiners, and paid to the said county board an examination fee of one dollar, he shall be entitled to a certificate of such completion and examination, signed by said county board and

approved by the Superintendent of Public Instruction, who shall affix thereto his official seal. The Superintendent of Public Instruction shall prepare a proper form for said certificate. One such examination shall be held in each county on the last Thursday in January, and another on the last Thursday in June of each year.

ARTICLE II. SCHOOL FUND.

§ 8. The school fund shall consist of the fund dedicated by the Constitution and laws of this Commonwealth for the purpose of sustaining a system of common schools therein:

1. The interest on the bond of the Commonwealth for one million three hundred and twenty-seven thousand dollars (\$1,327,000) in aid of common schools, at the rate of six per cent. per annum, payable semi-annually on the first day of January and July of each year.

2. The dividends on seven hundred and thirty-five shares of the capital stock of the Bank of Kentucky, representing a par value of seventy-three thousand five hundred dollars, owned by the State.

3. The surplus, three hundred and eighty-one thousand nine hundred and eighty-six dollars and eight cents (\$381,986.08), now due the several counties, and remaining a perpetual obligation against the Commonwealth for the benefit of said respective counties, for which the Commonwealth shall execute its bond, bearing interest at the rate of six per centum per annum, payable annually on the first day of July to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools. Said bond shall be executed by the Governor and attested by the Secretary of State for and on behalf of the Commonwealth of Kentucky, and when said bond is executed, the old bond for \$378,946.71, being part of said bond, shall be canceled and destroyed.

4. The interest at six per cent. per annum, payable semi-annually, on the first day of January and July, on six hundred and six thousand six hundred and forty-one dollars and three cents (\$606,641.03), received from the United States under an act approved March 2, 1891, for which the Commonwealth has executed bond pursuant to an act approved March 12, 1892.

5. The annual tax of twenty-two cents on each one hundred dollars of value of all real and personal estate and corporate franchise directed to be assessed for taxation.

6. Such portion of fines, forfeitures and licenses which may be realized by the State as the amount of taxes for common school purposes bears to the whole State tax other than for the benefit of the Agricultural and Mechanical College.

§ 9. The foregoing shall constitute the annual resources of the school fund of Kentucky, and shall be paid into the Treasury,

and shall not be drawn out or appropriated, except in aid of common schools, as provided in this chapter.

§ 10. Except as otherwise expressly provided in this chapter, no part of the common school fund, or of the revenue thereof, shall be used for any other purpose than the payment of teachers of common schools, legally qualified and employed in pursuance hereof.

§ 11. The Auditor shall keep the accounts in relation to this fund. He shall, once in each month, make a transfer to the credit of said fund of all receipts into the Treasury, with the source of each item, for the benefit of the common schools up to the date of such transfer. He shall allow no expenditures on that account beyond the annual revenue of the fund, and shall see that no county draws more than its proper proportion.

§ 12. The net revenue of the fund accruing during each school year shall constitute the sum to be distributed. But no fees to county judges or clerks, discount on checks, or other incidental expenses, shall be paid out of the distributable share of the revenue apportioned to any county; but such payment, when allowed by the fiscal court, shall be made out of the county levy.

§ 13. The Superintendent of Public Instruction shall, on or before the fifteenth day of July in each year, ascertain and estimate for the school year the pro rata share to which each pupil child will be entitled according to the whole number of such children residing in each county and each school district respectively, as shown by the returns of the county superintendent. If, at the time of making such estimate and apportionment, the census returns of the superintendent for any county have not been made to him, he shall use the census returns made for the previous year. It shall be the duty of the Auditor to furnish the Superintendent of Public Instruction such data as may be needed in making such estimate and apportionment. It shall be the duty of the Superintendent of Public Instruction, as soon as practicable, to file a copy of said estimate and apportionment with the Auditor, and to inform each county superintendent of the amount to which each school district of his county shall be entitled. Whatever difference may exist between the estimated and the actual revenue of the school fund for any school year shall be taken into the account of the estimate and apportionment for the succeeding school year. If the pro rata share of any school be not called for, after the second school year, it shall be covered into the Treasury, and be placed to the credit of the school fund for general apportionment the following school year. When any school district in any school year shall have failed to use all or any part of the money due it for such school year, such district shall be entitled to said money for the next school year, provided the term of the common school for that year shall be extended for such proportion of a term as the said accumulated

money bears to the said amount due said district in the year in which said money is paid. A detailed statement of the surplus amount to which each county is entitled shall be made out by the Superintendent of Public Instruction, and filed and preserved in his office. The bonded surplus in the State Treasury to the credit of the counties shall bear interest at the rate of six per cent. per annum, and the per capita derived from said interest shall be duly apportioned to the white and the colored schools of the counties respectively, and be paid as provided in the following section: *Provided*, That when any county heretofore established out of territory belonging to a county or counties having a surplus which has not been apportioned among said counties, and when any new county shall hereafter be established out of territory belonging to a county or counties having such a surplus, then the Superintendent of Public Instruction shall apportion such surplus among the original and new counties in an equitable manner.

§ 14. For each school year the Auditor of Public Accounts shall, on the successive warrants of the Superintendent of Public Instruction, distribute the amount of the school fund due each county to its county superintendent of common schools, and the amount due each city, town or village, organized as one district, to the treasurer of the school board thereof, as follows: On or before the first of October, one-fifth of the whole amount; on or before the first of November, two-fifths of the whole amount; on or before the first of December, one-fifth of the whole amount, and on or before the first of January the residue including the undistributed surplus and interest on the county bond.

ARTICLE III. BOARD OF EDUCATION.

§ 15. The Superintendent of Public Instruction, together with the Attorney-General and Secretary of State, shall appoint two professional teachers, who are citizens of Kentucky, and not less than thirty years of age, who, with the Superintendent of Public Instruction, Secretary of State and Attorney-General, shall constitute the State Board of Education. The teachers appointed shall hold their office during the term of the superintendent, unless sooner removed by the board appointing them, which they may do, and their successors shall be appointed as above provided. The two persons appointed shall, before they enter upon the discharge of their duties, take an oath to perform such duties in the interest of the Commonwealth. The board thus constituted shall be a body-politic and corporate, by the name and style of the Kentucky State Board of Education.

§ 16. The corporation may take, hold and dispose of real or personal estate for the benefit of the common schools of the State. The bonds, certificates of stock, and other evidences of property held by the board for common school purposes, shall

be in the custody of the chairman, and the place of deposit shall be shown by the records of the board.

§ 17. The Superintendent of Public Instruction shall be chairman of the board, and, with two other members, may control its corporate action at any regular or called meeting of the board, of which all of the members shall have had timely notice in writing.

§ 18. The board shall meet only on the written call of the chairman, and the teachers appointed shall each be allowed his traveling expenses and five dollars per day while actually engaged in the discharge of his duties, to be paid out of the State Treasury. An itemized statement of the number of days' service and traveling expenses shall be filed in the office of the Superintendent of Public Instruction, and the amount thereof to be paid only upon approval of the Superintendent.

§ 19. The corporate acts of the board shall be attested by the signature of the chairman, and his private seal shall stand in lieu of a corporate seal.

§ 20. The State Board of Education shall constitute a standing committee, who shall prepare rules, by-laws and regulations for the government of the common schools of the State, which shall be adopted and enforced under the authority and direction of the county superintendents, trustees and teachers; shall prescribe regulations for the management of county teachers' libraries, and prepare suitable lists of books for district libraries, with regulations for the management thereof; shall prescribe and publish a graded course of study for the common schools, specifying the order of studies and the time to be allotted to each, which course of study shall be observed by the teacher and enforced by the trustees.

§ 21. The instruction prescribed by the board shall embrace spelling, reading, writing, arithmetic, English grammar, English composition, geography, physiology and hygiene, civil government, United States history and the history of Kentucky. After July 1, 1893, the nature and effects of alcoholic drinks and other narcotics upon the human system shall, in all schools supported wholly or in part by the State, be taught as thoroughly as other required studies to all pupils studying physiology and hygiene, as a part of this branch.

ARTICLE IV. SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 22. The Superintendent of Public Instruction shall take the oath, and enter upon the duties of his office, on the first Monday in January next after his election, and shall give bond to the Commonwealth, with good security, for the faithful performance of his duties, to be approved by the Governor, with at least \$25,000; the bond to be filed in the office of Secretary of State.

§ 23. His salary shall be two thousand five hundred dollars per annum ; besides which, he shall be entitled to all office fixtures, stationery, books, postage, fuel and lights needed to carry on the work of his office. He shall have power to appoint two clerks, viz: A chief clerk, whose salary shall be fifteen hundred dollars per annum ; a first assistant clerk, whose salary shall be eight hundred and fifty dollars per annum ; and to secure such extra clerical force as may be necessary in accomplishing promptly the full measure of the work required in the office, for which one thousand dollars, or so much thereof as may be necessary, shall be appropriated for each successive school year.

§ 24. The Superintendent of Public Instruction shall appoint two professional educators, neither of whom shall be a member of the State Board of Education, who, together with himself, shall constitute a State Board of Examiners, who shall examine all applicants, personally applying to them, for certificates of qualification as county superintendents, or for State diplomas or State certificates. The said Board of Examiners shall prepare the series of questions for the examination of candidates for county superintendents, as provided in section 38 of this chapter ; and also the different series of questions for the examination of teachers as provided in section 144 of this chapter, and before forwarding to the county superintendent, shall submit all of the said series to the professional members of the State Board of Education for their approval.

§ 25. He shall keep his office at the seat of government, in such suitable buildings as may be provided, and shall devote his entire time and attention to the duties of his office.

§ 26. He shall keep an account of all the orders drawn or countersigned by him on the Auditor, of all the returns of settlements, and of all changes in the office of county superintendent, which shall be furnished to the Auditor whenever required.

§ 27. He shall, biennially, on or before the meeting of the General Assembly, make report of the condition, progress and prospects of the common schools ; the amount and condition of the school fund ; how its revenue for the two previous school years had been distributed ; the amount produced and disbursed for common school purposes from local taxation or other sources, and how and for what the same was expended ; an abstract of the county superintendents' reports ; the practical workings of the common school system of the State, with suggestions as to any alterations it may require ; all of which, together with such other facts, statistics and information as may be deemed of interest to be known, he shall deliver to the contractor for the public printing, and cause to be printed a copy for each school district, and for each county and city superintendent of schools in the State, seven hundred and fifty copies for the use of the members of the General Assembly, and for exchange with the Superintendents of Public Instruction of other States, and five

hundred copies for distribution by the Superintendent according to his discretion.

§ 28. The Superintendent, in his report, shall set forth the objects, methods of admission, and other general information concerning the institutions for the blind, the deaf and dumb, and the feeble-minded; and, to aid him in his work, the superintendents of those institutions shall be required, annually, by the first day of September, to furnish the Superintendent of Public Instruction with such a condensed statement of their respective institutions as it would be profitable to publish.

§ 29. Copies of records and papers in his office, certified by him, shall, in all cases, be evidence equally with the originals.

§ 30. He shall prepare suitable blanks for reports, registers, certificates, notices, and such other official documents as may be provided for in this chapter, and shall cause the same, with such instructions and information as he may deem necessary to a proper understanding and use of them, to be transmitted to the officers and persons intrusted with the execution of the provisions of the school law.

§ 31. The Superintendent of Public Instruction shall biennially revise the school laws, omitting all that has been repealed, and inserting in its proper place that which is amendatory.

§ 32. It shall be his duty to report any neglect of duty or any misappropriation of common school funds on the part of the county superintendents or trustees of common schools in this Commonwealth, to the county attorney, whose duty it shall be, whenever such neglect of duty or misappropriation of funds shall come to his knowledge, to prosecute such person in the circuit court of his county.

§ 33. He shall have published, for annual distribution throughout the State, the general school laws of the State, abstracts of the decisions of the appellate courts and of the Attorney-General, on points of school law and construction thereof; decisions, rules and regulations of the State Board of Education and of the State Board of Examiners; information and instructions in regard to application of the school law and the management of the common schools; important official and legal periods of the school year, with due notices thereof; and such other important facts and data as may be of interest to the public.

§ 34. The Superintendent of Public Instruction shall, at the written request of any county superintendent of common schools, decide any question of difference or doubt touching the administrative duties of officers and teachers of the common schools in his county. The decision of the Superintendent of Public Instruction shall, in such case, be final, unless appeal be prosecuted from his decision to the State Board of Education within thirty days. Before rendering any such opinion, the Superintendent may obtain the advice of the Attorney-General, whose opinion, in writing, shall be conclusive for the time, and sufficient defense against all parties. The decisions of the

Superintendent of Public Instruction, and the opinion of the Attorney-General, shall be duly filed and duly recorded in a book kept for that purpose.

§ 35. Whenever he shall be informed that any donation, gift or devise of any real or personal estate shall have been made to the Common School Fund of Kentucky, it shall be the duty of the Superintendent of Public Instruction to appoint some discreet person, who shall take charge of the real or personal estate so granted, devised or donated, and sell and dispose of the same, and pay the proceeds into the State Treasury. Before said agent so appointed by the Superintendent of Public Instruction shall proceed to act, he shall give a bond, with good security, to the Commonwealth, for the faithful discharge of his duties as agent. Said bond shall be given in the county in which the donor, grantor, or devisor shall have died, or in the county in which the property is situated, the bond to be executed in, and approved by, the county court. The person so appointed shall make a settlement with the county court of his county once in each year, and shall pay into the Treasury the amount found in his hands after said settlement. The court shall allow said person a reasonable compensation for collecting and paying over said money, not exceeding ten per cent. on the first five hundred dollars, and five per cent. on the residue, which amount said person shall retain in his hands out of the money collected. For any failure of the person so appointed to discharge the duties under this law, he and his sureties shall be liable to all damages sustained, and for all money collected, with twenty per cent. damages on the amount so collected, and which he has failed to pay over. The suit on the bond shall be in the name of the Commonwealth of Kentucky, and shall be instituted by the Commonwealth's attorney or county attorney. The person appointed by the Superintendent of Public Instruction shall have the same power in collecting and settling the estate as an administrator or executor now has by law; may institute and defend all suits in reference to said estate, and sell and convey the real estate by deed. The amount of money paid into the Treasury under the provisions of this section shall remain there until disposed of by law, and the Treasurer and his sureties shall be liable for the same on his official bond. This section shall apply to all gifts, donations or devises heretofore or hereafter made to the school fund of Kentucky. But the provisions of this section shall not apply to cases where the terms or conditions of the devises, gifts or donations conflict with said provisions; but in such cases the terms or conditions of the devise, grant or donation shall be carried out as intended by the person making the same.

§ 36. The Superintendent of Public Instruction may, from time to time, visit each year any and different portions of the State for the purpose of investigating and directing the operations of the common school system, and of promoting, by

addresses or otherwise, the cause of popular education. While engaged in this duty, his actual expenses shall be paid out of the general expenditure fund, on the approval of the Governor, an itemized statement of which shall accompany each claim for such expenditure.

§ 37. Upon retiring from office, the Superintendent of Public Instruction shall deliver to his successor all books, papers and effects belonging to the office; and on failure to do so, shall be fined in a sum not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the Franklin Circuit Court.

ARTICLE V. COUNTY SUPERINTENDENT.

§ 38 There shall be a county superintendent of common schools in each of the counties of the State, who shall be possessed of moral character, and of ability to manage the common school interests of the county efficiently. He shall possess a good English education, and shall be competent to examine the teachers who shall apply to teach the common schools in the county. He shall be twenty-four years old at the time of qualifying, a citizen of Kentucky, shall have resided two years next preceding the election in this State, and one year in the county for which he is a candidate. No person shall be eligible to the office of county superintendent unless he shall hold from the State Board of Examiners a State diploma or a State certificate, which will not expire during his proposed term of office, or a certificate of qualification of the grade of a county certificate of the first class, which may be granted on an examination held before said Board, or upon a written examination held by a special county board, composed of the county judge, county clerk, and a competent person selected by them, upon a series of questions prepared and forwarded, under seal, by the State Board of Examiners. The State Board of Examiners shall inclose the questions upon each subject in a separate envelope, with the name of the subject printed or written thereon; shall securely seal the envelopes containing the said questions and inclose them in a package, which shall be sealed and forwarded by registered mail to the county clerk, and shall be kept under seal by him till the hour of examination; and the seal shall then be inspected by the other examiners and the applicants for certificates, and be duly opened in their presence. In case of sickness or other disability of either the county judge or county clerk, his duties herein prescribed shall devolve upon and be performed by the county attorney. The examinations shall be held in every county of the State on the last Saturday in July next preceding the election of county superintendent, and the written answers of each examination shall immediately be forwarded by the county judge or county clerk, by registered mail, to the State Board of Examiners, together with a fee of three

dollars, and the sworn statements of the county judge, county clerk and the person selected by them, that the examination had been conducted in their presence in strict accordance with the provisions of this section, and that no applicant had, directly or indirectly, received assistance. The State Board of Examiners may, if they deem the answers sufficient, grant a certificate; and if they refuse, it shall notify the county clerk, and no certificate can then be granted the said applicant for the election then pending. The said certificate shall not entitle the holder thereof to teach in the common schools. A county superintendent who has once obtained a certificate of qualification in pursuance of this section shall not be required to obtain another certificate as a condition of eligibility for re-election, if he has been continuously in office since his election. The members of the special county board shall receive for their services a reasonable compensation, to be allowed by the fiscal court. In counties embracing any city or town of the first, second, third or fourth class, maintaining a system of public schools, separate and distinct from the common schools of the county, no person shall be eligible to the office of county superintendent other than a resident of such county, outside of such city or town.

§ 39. No county judge, justice of the peace, circuit clerk, county clerk, county attorney, county surveyor, sheriff, coroner, assessor, trustee of a common school district, or teacher while engaged in teaching, shall hold the office of county superintendent.

§ 40. The county superintendent shall be elected by the qualified voters of each county at the regular November election in 1894; shall enter upon the discharge of the duties of his office on the first Monday in January after his election, continue in office three years, and until the election and qualification of his successor; and in 1897, and every four years thereafter, there shall be in each county an election of a county superintendent, who shall hold his office four years from the first Monday in January following his election, or until the election and qualification of his successor. The county superintendent shall be elected, and the vote canvassed and the result certified by the same officers, and in the same manner as in the election of other county officers; and within ten days after the election the clerk of the county court shall forward a copy of the certificate of election to the Superintendent of Public Instruction. All county superintendents in office at the time of the November election in 1894 shall continue in office until the first Monday in January following, or until their successors are elected and qualified. In cases of controverted right to the office of county superintendent, the Superintendent of Public Instruction shall have power to recognize a superintendent from among the contestants until the case has been settled.

§ 41. Before entering upon the discharge of his duties, each

county superintendent must enter into covenant, before the county court of his county, to the Commonwealth of Kentucky, with sufficient security, in not less than the full amount of the school fund that may be due the county from all sources for that entire school year, to be approved by the court, for the faithful discharge of his duties, and the said bond shall be renewed each year.

§ 42. Beginning in the calendar year 1893, the Superintendent of Public Instruction shall have power annually to call a superintendents' convention of all the county superintendents of each Superior Court District as now composed. The meeting in each district shall be in session not less than two full days, and shall be held in April or May, at a point convenient to the county superintendents of the district. The purpose of the superintendents' convention shall be to consider the whole work of the county superintendents, and the best means of advancing the cause of popular education throughout the State, and especially in their respective counties. The State Board of Education shall prepare a programme of exercises for each district convention.

§ 43. The county superintendent shall have power, previous to the first day of April of each year, to lay off, alter, abolish or consolidate districts, and if necessary may lay off anew the districts throughout the county. He shall condemn any school-house which is dilapidated, unhealthy, or otherwise unfit to be occupied for the purpose of a common school, and any fence or other inclosure of a school-house, when such inclosure is for any reason insufficient for the protection of the house or grounds. He shall condemn all school furniture or apparatus, insufficient in quantity or not of the required character, and order the same replaced with the proper furniture or apparatus as prescribed in section 93. He shall, within thirty days after any such condemnation, notify the trustees in writing. He shall, at least once a year, make an official visit to each district school of his county, but shall not make more than three such official visits in any one day. At the time of such visit he shall note in a book, to be kept for that purpose, the number of pupils in attendance; the number absent, and the cause of absence; the names of children unable to purchase books; the condition of the school-house, furniture, apparatus, grounds and appurtenances; the qualification and efficiency of the teacher; the conduct and standing of the pupils; the method of instruction; the discipline and government of the school. In the visits to the schools he shall advise with the teachers and give them such instruction regarding discipline and teaching as he may deem necessary. He shall counsel the trustees, and see that they discharge their duties, especially in securing full and regular attendance. He shall admonish the teacher found remiss of duty in the matter of cleanliness of house, preservation of furniture and necessary ventilation, and complain to the trustees in cases of gross neglect

of duty in these respects. He shall examine the teacher's register and grade-book, and the trustees' register, see that the records are properly kept, and the boundary of the district, the contract with the teacher, the levy of a tax, if any, and the official visits and proceedings of the trustees are properly recorded, and by every means in his power strive to promote and advance the cause of common schools.

§ 44. It shall be the duty of each county superintendent, on or before the first day of June of each year, to prepare, mail to, and cause to be placed in the hands of the Superintendent of Public Instruction a report, certified by the county judge or clerk that the report is a correct statement, as shown from the census on file in the office of the clerk of the county court, showing the whole number of children between the ages of six and twenty years residing in his county, and the whole number residing in each district, including each city and each independent district, described by its number; and he shall be individually responsible to the teacher of the district for any loss sustained by said teacher or district by reason of any error made by the said superintendent in reporting the census thereof. He shall superintend the census taken during the month of April by the trustees, and not later than the twentieth of March of each year shall notify the chairman of each board of trustees that the boundaries of the district are as recorded for the past year in the trustees' register; or if any changes have been made, shall give to the chairman exact notice of such changes, and in due time see that the said changes are included in the description of the boundary entered in the trustees' register. At the time of such notice he shall give the said chairman printed or written instructions for taking the census; caution him against reporting persons not legally belonging thereto, and calling his attention to section 100. He shall base his report upon the census taken during the month of April, and reports thereof made to him by the district trustees. If such reports are not in from any district by the tenth day of May, the county superintendent shall take, or have the census of such district taken, the cost of which shall be paid out of the county levy, and the fiscal court may recover from the delinquent trustees the amount so paid.

§ 45. It shall be the duty of each county superintendent, before the opening of the schools each year, and from time to time, by personal observation or from trustees and teachers and otherwise, to ascertain the number and cost of text-books upon each of the common school branches needed by the indigent children of each district and of the county for use in the common schools; to make requisitions upon the county judge for the money necessary to purchase the said text-books, not to exceed in the aggregate one hundred dollars per annum; and to purchase and supply the same to the said indigent children. It is hereby made the special duty of the county and the city school superintendents of common schools, to report to the

county judge the names of all such indigent children furnished them by trustees, and to see that the provisions of this section are faithfully executed.

§ 46. County superintendents and trustees of common schools shall report facts additional to those now required to be reported, whenever, in the judgment of the board or of the Superintendent of Public Instruction, the interests of the common schools of the State shall indicate the necessity therefor.

§ 47. Each county superintendent of common schools shall, on the second Saturday in October, reckoning school months of twenty days, pay the amount due each teacher of a common school for the month or months completed, but not for any fraction of a month, except as provided in section 150, on the certificate of the board of trustees for the district that the school has been legally taught for that period; and thereafter the county superintendent shall, on the second Saturday of each calendar month, pay the salary due each teacher of a common school for the previous school month or months not previously paid for, on the certificate of the chairman of the board of trustees for the district that the school has been legally taught for the period specified: *Provided*, That all of said payments shall be made to the teacher personally or on written order, and that the last payment shall be for the entire balance due the teacher, including the undistributed surplus and interest on the county bond; and that any teacher who may violate his contract with the trustees by refusing to continue his school, shall forfeit any fractional salary that may be due him. In cities or towns organized as single districts, and reporting direct to the Superintendent of Public Instruction, the provisions of this section shall equally apply, or such city or town may receive in January the whole amount due it if it shall so desire. In either case the president or chairman of the school board of such cities or towns shall make the report required of them by this law, under oath, direct to the Superintendent of Public Instruction, and he shall draw his warrant on the Auditor of Public Accounts in favor of the treasurer of such school board, which, when approved and countersigned by the Superintendent of Public Instruction, shall entitle such treasurer to a warrant on the Treasury of the State for the amount thereof; and the said treasurer and his securities shall be accountable for the same upon his official bond in any action by such school board, of which the Superintendent of Public Instruction shall be officially notified.

§ 48. Any county superintendent who shall knowingly and willfully report to the Superintendent of Public Instruction a number of common schools as having been taught in his county greater than the number of such schools actually taught therein according to law, or a number of children entitled to tuition in his county greater than the actual number of such children, or otherwise knowingly and willfully misstate any fact or facts

which he is, or may be hereafter, required by law to report to the Superintendent of Public Instruction, shall be deemed guilty of a misdemeanor, and, on conviction thereof, be fined in a sum not less than two hundred nor more than five hundred dollars, or imprisoned in the county jail not longer than six months, or both fined and imprisoned, in the discretion of the jury.

§ 49. Each county superintendent shall, on or before the first day of August annually, settle his accounts for the previous school-year with the county judge of his county, and forward a copy of said settlement, certified by the clerk of the said court to be correct, to the Superintendent of Public Instruction. Said settlement shall embrace all sums received since the date of his last settlement by said county superintendent for the benefit of common schools taught during the school-year; a full statement of all such sums paid out by him, for what, to whom, and when paid; and should any part of said fund received by him, as aforesaid, remain uncalled for, and not be paid out, he shall immediately refund said amount to the State Treasurer, stating why it was not, for and to what district it belongs, and at the same time notify the Superintendent of Public Instruction that he has refunded the said amount, that he may give said county superintendent proper credit on his books for said amount refunded. The receipt of the Auditor for money refunded shall be a sufficient voucher with the county judge in said settlement. Should the copy of such settlement fail to reach the Superintendent of Public Instruction by the tenth day of that month, it shall be his duty to notify the county judge and the delinquent county superintendent of the fact; and upon receiving such notification, it shall be the duty of the judge, in case the settlement shall not have been made immediately, to compel a settlement by attachment, as in cases of contempt, and a copy thereof to be forwarded to the Superintendent of Public Instruction. For his willful failure to pay out to those entitled thereto any money in his hands for the space of ninety days after the same shall be received by him, or for his willful failure to make the aforesaid settlement by the time required by law, the county superintendent shall be guilty of a misdemeanor, and, being indicted and convicted thereof, he shall be fined in a sum not less than one hundred nor more than five hundred dollars, as well as remain liable on his official bond, and be removed from office.

§ 50. He shall, previously to the first day of September, prepare and mail, and cause to be placed in the hands of the Superintendent of Public Instruction, his official report, showing, in tables of details and aggregates, the school districts of his county by number; the names and address of trustees of each district, with date at which each one's term expires; the districts in which schools were taught, and the length of time taught; the highest, lowest and average number of children at

school ; the cost of tuition of each child for the session and per month ; the number of private schools, academies and colleges taught in the county, and length of sessions of the same ; the number of teachers employed—male, female and total—for the common schools ; the average wages of male teachers, female teachers, and of total teachers per month ; the name and address of teachers resident in his county, with grade of certificate of each ; the amount of money raised for common school purposes in the county, by local tax or otherwise, and for what the same was disbursed ; the number and kind of school-houses, and the value of each ; the number of school-houses built, and the value of each ; the number of district libraries ; also county library, if any, and number of volumes in each, and the increase during the year ; the amount he has received for official compensation and expenses. For willful failure to be present at his office at the time appointed to receive reports, or for failing to make the reports herein required, he shall be fined a sum not exceeding fifty dollars.

§ 51. Each county superintendent shall keep a detailed account of all money received and distributed by him ; a record of all business transacted by him as county superintendent, together with the reports of the trustees ; the names, numbers and description of school districts, and all other papers and documents connected with his office, at all times subject to inspection and examination by any school officer or other person interested in any question pertaining to the common schools.

§ 52. Any devise, gift or donation of any real or personal estate in aid of the common schools of any county of this State shall be held in trust by the county superintendent, and he shall be required to make settlement in regard thereto, in the same manner in which, and at the time when, he makes settlement in regard to the moneys received from the revenue of the school fund ; and he shall send a copy of such settlement to the Superintendent of Public Instruction.

§ 53. A county superintendent may administer the oath required of a trustee or of a teacher of common schools, or of other persons required to make oath in matters relating thereto.

§ 54. He shall administer the oath of office to trustees-elect applying to him for that purpose ; but it shall be lawful for any justice of the peace, or other person authorized to administer oaths, to administer the oath of office to any trustee ; but said oath shall not be valid unless reported in writing to the county superintendent by said justice or other person, within ten days from the time when administered. He shall make a record of the names of trustees then qualified, showing the districts in which they were elected, and the post-office of each. He shall, at the time, deliver to the trustees of each district such blanks as they will need for the coming school year, and give such information with regard to their duties as may be requested. He shall address all official correspondence to the trustees. Notice

to them shall be regarded as notice to the people of the district, and it shall be the duty of the trustees to notify the people.

§ 55. It shall be the duty of the county superintendent to be in attendance at his office, at the county-seat, on the second Saturday of each month, and at such other times as may be necessary to transact his official business.

§ 56. No county superintendent shall be allowed to buy, for himself or another, any teacher's claim, directly or indirectly, or to act as agent for the sale of any text-book. Any superintendent guilty of violating this section shall be fined not less than one hundred nor more than one thousand dollars for each offense.

§ 57. For incompetency, neglect of duty, immoral conduct, or other disqualification, the county superintendent may suspend or remove from office any teacher or trustee of any school under his supervision. But before a county superintendent shall suspend any trustee or teacher, he shall give said trustee or teacher at least five days' notice of the charges made against him, and give the trustee or teacher an opportunity to produce evidence, and defend any action against him.

§ 58. The county superintendent shall decide all questions of difference or doubt touching the administrative duties of the officers and teachers of common schools in his county; but appeals from his acts and decisions may be had, on petition of any interested person, to the Superintendent of Public Instruction. The county superintendents shall conform to such reasonable rules and requirements as the Superintendent of Public Instruction shall, from time to time, prescribe and announce to them.

§ 59. For all the services rendered and the expenses incurred by the county superintendent under the provisions of this law, he shall be allowed a salary, annually, by the fiscal court of his county, based on the number of children reported in the census report of the district trustees of such county; which salary shall not be less than ten cents nor more than twenty cents for each pupil child thus reported. Before the court shall allow the salary it shall be satisfied, from the statement subscribed and sworn to by the superintendent, that he has visited the schools of the county, and that the said services have been faithfully and efficiently performed according to law. Said salary shall be paid out of the county levy as the salary of the county judge is now paid; and in his report to the Superintendent of Public Instruction he shall state the full amount thus allowed him by the fiscal court for his official services; but no superintendent shall receive a greater salary than fifteen hundred dollars. In fixing the salary of the said superintendent, no child shall be counted or enumerated who is under a city school superintendent of a city of the first, second, third or fourth class. The fiscal court shall furnish the county superintendent with a suitable office, free of charge, large enough to accommodate the county teacher's library.

§ 60. In case of the death, removal or resignation, refusal to serve, or inability of the county superintendent elected to give the bond required, or perform the duties of the office, the county judge of each county is authorized to appoint a successor, duly qualified according to section 38 of this law, to continue in office until the succeeding annual election, when one shall be elected for the unexpired term. In case of a vacancy in this office, the county judge of the county shall, as soon as practicable, notify the Superintendent of Public Instruction, and request him to appoint a day and furnish questions for an examination to fill the said vacancy; and the said examination shall be conducted in a manner prescribed by law. The county court may at any regular term, after ten days' notice, remove a county superintendent for inability, for habitual neglect of duty, or for malfeasance in office. An appeal to the circuit court may be taken from the order of the county court removing the superintendent, and from the circuit court to the Court of Appeals, as in civil actions.

§ 61. Each county superintendent when he resigns, vacates, is removed or goes out of office, shall, within ten days thereafter, deliver to his successor, or to the county court clerk for him, any money, property, books, effects or papers remaining in his hands as county superintendent, and for failure to do so shall be fined not less than fifty dollars nor more than one hundred dollars.

ARTICLE VI. COUNTY BOARD OF EXAMINERS.

§ 62. The county superintendent shall appoint two strictly moral and well educated persons, who, after July 1, 1893, shall be teachers, actively engaged in school work, and holding county certificates of the first class, State certificates or State diplomas, who, together with himself, shall constitute a board of examiners for the county. Before they shall be authorized to act in any capacity as such board, or grant any certificate, said examiners shall take and subscribe to an oath that they will faithfully discharge their duties as required by the common school law, and the said affidavit shall be filed in the office of the clerk of the county court.

§ 63. The county board of examiners in each county shall meet after the expiration of the period for which text-books have heretofore been adopted, and in counties where there has been no adoption of text-books within six months after this act takes effect, and shall adopt a list of text-books on the subjects taught in the common schools; and said text-books adopted by said board shall be uniformly used in the county for which they were adopted, and shall not be changed oftener than every five years. Said board shall not adopt the books of any publisher unless the said publisher or company or person selling said books will agree, by written contract with the said board,

to furnish the books so adopted at such reduced or net prices as will enable the dealers to supply them to school patrons or pupils at retail prices not exceeding the wholesale prices then established, or any reduced wholesale prices that may thereafter be established by said publishers or persons selling said books for the sale of their publications in any State or section of country; nor shall said adoption be binding and valid unless said publisher or person selling or agreeing to supply said books execute a bond to the Commonwealth of Kentucky, for the benefit of the common schools in the county in which the adoptions are made, before the judge of the county court, with good security, resident in this State, to be approved by said judge, conditioned that he or they will faithfully comply with the agreement upon which said adoption is based, or in default thereof pay to the use of the common schools of said county the sum of one thousand dollars. The county superintendent may sue, in the name of the Commonwealth, upon said bond, for any breach thereof, in the circuit court of the county in which said adoption was had. Said bond shall be filed and preserved in the county clerk's office. It shall be the duty of the county superintendent to make and keep a record of the adoption of text-books, and to see that the adopted list of text-books is established and maintained in all the public schools of the county, provided that no change of books shall be made at any time except as new books are needed by the pupils.

§ 64. Any county board of examiners of a county in which, at the time, a legal adoption of text-books has not been made, who shall fail or refuse, within six months after the time when, by section 63, they should have done so, to adopt a series of text-books on the subjects included in the common school course, shall each be subject to a fine of not less than one hundred dollars and not more than two hundred dollars, and, upon further refusal, shall forfeit their offices.

§ 65. County certificates shall be granted by the county board of examiners to persons not under sixteen years of age, upon written examinations upon the science and art of teaching, and upon the subjects embraced in the common school course, including, in connection with physiology and hygiene, the effects of alcoholic drinks and other narcotics upon the human system, held in each county of the State, for white teachers, upon the first Friday in June, July, August, September and November of each year, and for colored teachers upon the second Friday of the same months; and no examination shall be held at any other time whatever. Each examination may continue two days, if necessary. No certificate shall be issued upon the day of examination; nor shall any answers be passed upon in the presence of any applicant. The State Board of Examiners shall carefully prepare five series of questions for white teachers, and an equal number for colored teachers, all of the same grade; shall inclose the questions upon each subject in a separate en-

velope, with the name of the subject plainly written or printed across the seal thereof ; shall inclose the several envelopes in a package, which they shall seal and forward by registered mail to each county superintendent, at least two weeks before the examination, designating the month for which the same shall be used. The county superintendent shall carefully preserve the said package of questions under seal until the hour of examination ; and the seal of the said package shall then be examined by the other examiners and the applicants for certificates, and the package shall be opened in their presence. The examiners shall allot a reasonable time for the examination for each subject, taking the subjects in the order named in the section specifying the subjects embraced in the common school course, and shall collect the answers of all the applicants when the time allotted has expired ; and after the first subject is presented to the applicants, the said examiners shall not present any other subject, or open the envelope thereof, until they collect the answers of all applicants to all questions previously presented. The said examiners shall not examine any applicant until they are fully satisfied that said applicant possesses an unexceptionable moral character, and is of the age herein prescribed ; and in no event shall a certificate be granted to any person who indulges in drunkenness, profanity, gambling or licentiousness. They shall, during the examination, see that the applicants are seated at a proper distance from each other, and shall take care to see that no assistance is given or obtained by any applicant during the examination, and shall refuse to grant a certificate to any applicant who may either obtain or give such assistance. The county superintendent, and at least one of the examiners, shall be present, and shall conduct all examinations and sign all certificates.

§ 66. Any county superintendent or county examiner who shall knowingly grant to any immoral person, or to any person under the prescribed age, a certificate to teach in the common schools ; or any person who shall unlawfully obtain, or attempt to obtain, or shall sell, barter or give away, or attempt to sell, barter or give away, to an applicant or applicants for a certificate or certificates, or to any other person, any question or questions prepared or sent out by the State Board of Examiners for the examination of a person or persons applying for a certificate or certificates, or in any way dispose of such question or questions contrary to law, or any regulation prescribed by the State Board of Examiners, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty and not more than one hundred dollars for each offense. The county board of examiners shall charge each applicant a fee of one dollar for each examination made, the proceeds of which shall be divided between the two members of the board appointed by and acting with the county superintendent in proportion to the services rendered by them.

ARTICLE VII. COUNTY TAXATION.

§ 67. It shall be lawful for any county in this Commonwealth to vote a tax in aid of common schools as hereinafter provided.

§ 68. Whenever a petition, signed by fifty reputable citizens of any county, not less than five of whom reside in each magisterial district in the county, each of whom is a legal voter and owner of at least five hundred dollars' worth of real estate, shall be filed in the county court of the county of the said petitioners, at least sixty days before any regular November election, asking that a proposition be submitted to the legal voters of said county at the next regular November election whether or not they are in favor of an annual tax in aid of the common school fund of said county, it shall be the duty of the judge of the county court of said county to enter an order on the order-book of said court, directing that at the next November election thereafter an election shall be held at each voting place of the county to take the sense of the legal voters of said county upon the proposition whether or not they are in favor of voting an annual tax, in any sum named in said petition set forth in said order, not, however, exceeding in any case twenty-five cents upon each one hundred dollars of taxable property in said county, or a poll-tax in any sum named in said petition and set forth in said order, not, however, exceeding in any case one dollar on each male inhabitant over twenty-one (21) years of age, not otherwise exempt from paying poll-tax, residing in said county, or both an ad valorem and a poll-tax if so named in the said petition and set forth in the said order, for the purpose of aiding the common schools of said county.

§ 69. It shall be the duty of the county court clerk, upon recording the order mentioned in the preceding section, immediately to give a copy thereof to the officer or officers whose duty it is to hold said election, and such officer or officers shall have said order published in some daily or weekly newspaper, published in said county, for at least ten days preceding the said election, and also to advertise the said order by printed handbills, posted in at least three conspicuous places in each voting precinct in said county for the same length of time. If there is no daily or weekly paper published in said county, the printed handbills, posted as herein provided for, shall be sufficient notice. Such advertisement shall always state the time and place of election, the kind and amount of tax, and the purpose thereof.

§ 70. The vote upon the said proposition shall be by ballot, and for this purpose each official ballot furnished to the voters of the said county at the said election shall contain the words "County School Tax," with squares to the right of the same for votes for school tax and against school tax, as in elections upon other questions.

§ 71. In the election upon the said proposition the same care

and restrictions shall be imposed upon voters and election officers, the same penalties shall be attached, the vote shall be cast and canvassed, and the result certified by the same officers, at the time and place and in the manner as other county elections.

§ 72. If it be found that a majority of the votes cast upon the said proposition were cast in favor of the said county tax, the county court clerk shall make and file in his office a certificate of such fact; and at the first and each succeeding county levy thereafter there shall be levied by the fiscal court an annual tax in the sum named in the said petition set forth in the said order, and voted for at said election, upon the same assessment upon which other county taxes for the same year are levied. The tax shall be collected by the same officer or officers, in the same manner, at the same time, and the tax-payers and the collecting officer or officers shall be subject to the same penalties as in the collection of other county taxes. For the collection of the said tax the sheriff shall receive the same pay as for the collection of other county taxes. He shall be responsible on his official bond for the collection and accounting for the same, and shall pay over the proceeds of the said tax to the county superintendent of schools of said county at the time other taxes are required to be paid.

§ 73. The county superintendent of schools shall be responsible on his official bond for the proper care and disbursement of any and all moneys paid to him in aid of the common school fund of his county, under the provisions of this law, and shall apportion the proceeds of the said tax among all the common school districts of the county entitled to the same, according to section 79, in proportion to the number of pupil children in such districts, as in the case of the school fund derived from the State. The sum so appropriated to any district shall be devoted by the trustees thereof to the extension of the term of the school, to the increase of teachers' salaries, or to the employment of additional teachers, and to no other purpose.

§ 74. On or before the first day of July of each year, the county superintendent of schools of the said county shall make an estimate of each child's pro rata share of the proceeds of the said tax, and shall file copies of such estimate with the Superintendent of Public Instruction, the county court clerk, each chairman of a board of trustees of the county, and the county superintendents of the adjoining counties having fractional districts composed in part of said county. If any difference exists between the estimated and the actual revenue derived from the said county school tax for any school year, it shall be taken into account in the apportionment for the next school year.

§ 75. Each board of trustees, through the chairman, shall file with the county superintendent a certified copy of their contract with the teacher, as soon as practicable after such contract is made, and in no case later than the day fixed for opening the schools. Each teacher shall receive the amount due him from

the proceeds of the county school tax at the same time he receives the amount due him from the fund derived from the State. If any district shall, from any cause, fail during any school year to use all or any part of the sum apportioned to it for that year, then all of said sum not so used shall be placed to the credit of the said district for the succeeding year. The county superintendent of each county levying the said tax, which has pupil children reported in the fractional district or districts of one or more adjoining counties, and the county superintendent of each county adjoining the county levying such tax, and reporting pupil children of the said county, shall furnish each other with the census reports of such fractional districts, showing the number of pupil children of each county reported in the fractional districts of the adjoining county; and the county superintendent of the county levying such tax shall immediately, upon the receipt of the proceeds of the same, pay over to the county superintendent of said adjoining county the pro rata share belonging to the children of the county levying the said tax who have been reported in the said adjoining county; and all sums so paid shall be credited to the proper district or districts, and be disbursed in the manner and under the restrictions of section 68.

§ 76. At any regular November election, after the expiration of two years from the first or any subsequent vote upon the said tax, if a majority of the votes cast be in favor thereof, the same proposition, or a proposition to increase or diminish the rate of the said tax, or discontinue the tax, may be submitted in the same manner and under the same restrictions as provided for the first vote.

§ 77. The provisions of this article shall not apply to any county which has heretofore voted, and is now annually collecting, a county school tax under the provisions of a special act of the General Assembly; nor shall the levy of a county school tax interfere in any way with the levy of a school tax by a city, town or school district.

§ 78. If it be found that a majority of the votes cast upon the said proposition at the election provided for in sections 67, 68, 69 and 70 were cast against the said county school tax, then the said tax shall not be levied or collected until the said proposition be again submitted, which may be done after the expiration of two years from the first or any subsequent vote, and receive a majority of the votes cast upon it, as provided in section 76.

§ 79. The tax provided for in this article may be imposed upon the poll and property of white or colored persons, whichever race desires to impose the tax; and if the election is called as herein provided, at the instance and upon the petition of white persons, only white persons shall vote upon the question, and any tax imposed shall be levied only on the poll and property of white persons, and shall be for the exclusive benefit of white children. If the election is called and held as herein pro-

vided, at the instance and upon the petition of colored persons, it shall only be necessary that the petitioners reside in different portions of the county, without regard to magisterial districts or the property qualification of the petitioners. In this case only colored persons shall vote upon the question, and any tax imposed shall be levied only on the poll and property of colored persons, and shall be for the exclusive benefit of colored children.

ARTICLE VII. DISTRICTS.

§ 80. The school districts of the several counties, as at present described and numbered, shall be retained until altered or abolished pursuant to this chapter; but no two districts in the same county shall be known by the same name or number. No change in the boundary of any district shall be made to take effect during the current or the following school year, unless made previous to taking the census for such school year. Nor shall the boundary of any district be changed unless ten days' notice in writing be first given to trustees of other districts to be affected thereby.

§ 81. In order that all districts may, as soon as practicable, be made to contain not less than forty-five pupil children, each county superintendent shall, from year to year, as far as practicable, and in accordance with the best educational results, equalize in school population the districts of his county. No district hereafter established shall include less than forty five pupil children, except in cases of extreme emergency; and in no case whatever shall any district hereafter established include less than thirty-five such children. After June 30, 1894, no school district whatever shall include less than thirty pupil children. No district shall include more than one hundred pupil children unless it contains a city, town or village within its limits, or there be established therein a high school, academy or college entitled to a share of the revenue of the common school fund by virtue of a special charter or a contract between the trustees of the common school district and the trustees or other legal authorities of such institution. In all such cases the teacher or teachers of such high school, academy or college having charge of the common school pupils shall hold certificates, and be subject to all the provisions of the common school laws. Such contract shall expressly provide that all children of pupil age residing within the district shall have the privilege of attending the said high school, academy or college for at least five months during the school year without payment of the tuition fees; but nothing in this chapter shall be so construed to authorize any white person to attend a common school or other institution of learning established for colored children, or any colored person to attend a common school or other institution of learning established for white children. In all cases where the number of such children shall exceed one hundred, or fall below forty-five,

the county superintendent shall report the reason thereof to the Superintendent of Public Instruction. The area of no school district shall be more than sixteen square miles, unless it is necessary to enlarge the same so as to include the minimum number of children. Each school-house hereafter erected shall be located as near the center of the district as practicable.

§ 82. The county superintendent shall, in a book to be kept in his office for that purpose, and subject to public inspection, describe each district in his county by its number and boundary, and shall furnish to the trustees of each district a description of the boundary thereof.

§ 83. The county superintendents of two adjoining counties, where the division line intersects a neighborhood whose convenience requires it, may lay off a district composed of parts of both counties. Such district shall be reported, together with its census of pupil children, only as belonging to the county in which the school-house of the same may be situated, by the county superintendent of said county; and he shall make report and draw for the whole district as though it lay entirely within his county. But any county superintendent may reclaim the fractional part of his county lying in the district or districts of another county after thirty days' written notice to the county superintendent of the said county.

§ 84. When two school districts adjoin, it shall be lawful for the children of either of such adjoining districts to be taught in and at such school-house as may be most convenient to them; but in such case their per capita or tuition fees shall be paid over to the district in which they are taught: *Provided*, The transfer does not shorten the term of the school of the district from which the transfer has been made, and does not interfere with the contract between the teacher and the trustees of either district; and that no such change shall be made without the assent of the trustees of both said districts in writing, and of the parents of the children transferred. In case of an agreement of the kind provided for in this section, the trustees of the district in which the children were reported shall, before the close of the first month of the school term, notify the county superintendent in writing, or the said transfer shall be void.

§ 85. When a city, town or village establishes and maintains a system of common schools adequate to the teaching of all the children therein, and which all applying for instruction are permitted to attend free of charge, the same shall be deemed one district, and entitled to its proportion of the school fund. At the termination of each school year the trustees, or other officers deputed for that purpose, of each school district, and of each separate school of such city, town or village, shall report to the county superintendent the facts required of district trustees in section 101 of this chapter. They shall take the census of such city, town or village by wards or school districts, and make a return to the county superintendent, to be filed in his office, at

the same time and in the same manner as that required of district trustees. They shall file a duplicate of said census with the county clerk, to be retained by him in his office. For any failure, neglect, or violation of their duties as set forth in this section the trustees or other officers of such city, town or district shall be subject to the same penalties as imposed on district trustees.

§ 86. This law is not to affect, modify or repeal any local or special law heretofore passed which establishes any city or town in one district, except as provided in sections 133 and 134, but the same shall be governed in all respects by the local laws and authorities, and it shall in nowise affect the charter and amendments thereto of any city or town in the Commonwealth, so far as said charter and amendments relate to the public schools of said cities and towns; nor shall this law affect, modify or repeal any local or special laws now in force for the benefit of any school, high school, seminary, college or other institution of learning in this State, except as to teachers, as provided in section 81 of this chapter.

ARTICLE IX. DISTRICT TRUSTEES.

§ 87. Each school district shall be under the control of three trustees, who shall be of good moral character, at least twenty-one years of age, and for white schools, able to read and write, and for colored schools, able to read and write if practicable, one of whom shall be elected each year for the term of three years, to fill the place of the trustee going out of office. No person holding the office of trustee of any private school shall be eligible to hold the office of trustee of any common school. The vote in electing a trustee shall be taken *viva voce*, and the election shall be held at the school-house, and if no school-house be in the district, at such convenient place as the trustees may select, from 1 o'clock till 6 o'clock, P. M., on the first Saturday of May each year, notice thereof having been posted by the trustees at three of the most public places in the district for ten days immediately preceding the day of election. At this election the qualified voters of the district shall be the electors; and any widow having a child between six and twenty years of age, and any widow or spinster having a ward between the ages of six and twenty years, may also vote. The officers of the election shall be a judge and a clerk, who shall be residents of the district, and be chosen by the voters at the opening of the polls. The judge of the election shall give the casting vote in case of a tie, provided he has not heretofore voted, and give a certificate of election to the person elected, signed by himself, and report the trustee thus elected, in writing, to the county superintendent of the county within five days after the day of election. In case of a tie in which the judge has voted, then he shall certify the fact to the county superintendent, and the county superin-

tendent shall select from the persons who tied the trustee, and give him a certificate, and the trustee so selected shall act until his successor is duly qualified. The trustee so elected shall hold office for three years from the first day of July succeeding his election, and until his successor is duly elected or appointed and qualified. Any two of the trustees may constitute a quorum to transact the business pertaining to their office, at a meeting of which all shall have had reasonable notice. The trustee having the shortest time to serve shall be chairman of the board of trustees, whose duty it shall be to preside at all its meetings, and to make the reports, and to perform all other such acts and duties as required by law of trustees; and in case of neglect or non-performance of duty, the one so remiss of duty shall be subject to like fines and penalties as imposed by law on trustees for neglect of duty or other violations of law. This law shall in nowise impair the tenure of office of trustees who have been duly elected or appointed under the present school law.

§ 88. Any person who may be chosen to preside over the election of a school trustee in any school district in this Commonwealth who shall knowingly, and with intent to commit a fraud, receive and count any illegal vote or issue a certificate of election to any person not entitled thereto, or shall refuse to issue such certificate to any one duly elected, or who shall fail for five days after the election to report the name of the person who shall, with fraudulent intent, deface, mutilate or destroy the records of any such election, shall be fined not less than fifty dollars nor more than two hundred dollars for every such offense, and it shall be the duty of the county superintendent to report such offenses to the grand jury.

§ 89. If, from a failure to qualify according to law, or from any other cause, there be a vacancy in the office of trustee, the county superintendent of the county shall, within ten days, or as soon thereafter as practicable, supply the same by his appointment, in writing, and the trustee so appointed shall hold his office until the end of that term, and until his successor is elected or appointed and qualified. In case of controverted right to the office of trustee, the county superintendent is empowered to recognize a trustee among the contestants until the dispute has been settled. If a trustee elect shall fail to qualify before the county superintendent on or before the fourth Saturday in June following his election, or file with him a certificate that he has qualified before another officer, it shall be within the discretion of the county superintendent to declare his place vacant, and to fill same by appointment.

§ 90. They and their successors shall be a body-politic and corporate, with perpetual succession, by the name of the trustees for their school district; and as such may sue and be sued, take, hold and dispose of real and personal estate for the maintenance, use and benefit of the common school of their district,

and receive and enforce payments of subscriptions for the like purpose. Their private seals or scrolls shall stand in lieu of a corporate seal. In the acquisition of land as a site for a school-house, the title thereof shall be made in fee-simple to the trustees, and the titles to lands now used as sites for school-houses shall, at the earliest possible time, be perfected by the trustees and the county superintendent. Any reversionary interest in any land now used as a site for a school house shall not deprive the district of the school-house or other improvements thereon.

§ 91. The Superintendent of Public Instruction shall, from time to time, as needed, through the county superintendents, furnish the chairman of each board or trustees with a trustees' record book, which shall be the property of the State, shall be well preserved, shall be open at all times to public inspection, especially by the trustees and county superintendent, and at the expiration of the chairman's term shall be turned over to his successor. The chairman of each board of trustees shall receipt to the county superintendent for the record book, which receipt shall be filed with the Superintendent of Public Instruction. In the said book the chairman of the board of trustees shall, with pen and ink, keep a careful record of the following facts: The name, number and boundary of the district; names of the trustees, and when each was elected or appointed and qualified; the time for which each shall serve; each annual census as reported to the county superintendent; any changes of boundary of the district; the dates and number of visits of the trustees to the school; a copy of the contract with the teacher, and the grade of his certificate; each district election, with the time and purpose and names of its officers; each meeting of the trustees, with the purpose thereof, and the business transacted; the beginning and close of the school term, with the holidays and vacations therein; the money received, with the sources thereof, and for what the same has been disbursed; each levy of a tax, if any, and such other facts as the county superintendent or Superintendent of Public Instruction may require.

§ 92. The trustees, with the consent of the county superintendent, may take land, by purchase or donation, for the purpose of erecting thereon a school-house, provide for and secure the erection of the same, construct such out-buildings and inclosures as shall be conducive to the protection of the property and the comfort and decency of the pupils and teachers; make repairs and provide the necessary furniture and apparatus. They shall have power to recover for any damages that may be done the property in their charge, and they may change the location of the school-house, sell or dispose of the old site, and use the proceeds thereof towards procuring a new one. If they can not agree with the owner of any land most suitable for a school-house site as to the price and terms of purchase and sale thereof, they may have the same condemned in the manner provided for condemning lands for the use of railroad companies;

and cause a deed to the land by a commissioner to be made to the trustees and their successors; which deed shall be duly acknowledged and recorded in the office of the clerk of the county court, and thereupon the fee-simple title to said lot shall vest in said trustees and their successors in office; but they shall not have the right to condemn any private property which is used by the owner as a residence, garden, orchard or burying-ground. The quantity of lands thus condemned shall in no case exceed one acre. A majority of the school electors of any district, within thirty days after the location or site has been selected by the trustees, may appeal from the decision of the trustees in the location of the school-house, or site for the same, to the county superintendent of the county, whose decision in the case shall be final. In such location it shall be made as near as practicable to the center of the district as will be convenient of access to all the inhabitants of the district; and the trustees shall make provisions for such roads or passways to the school-house as will accommodate all the pupils who may be entitled to attend, and may apply to the county court having jurisdiction to open the same as other roadways are opened for public necessity and convenience. But where there is no convenient road or passway from the residence of any pupil to the school-house, it shall be lawful for such pupil, in attending school, to walk over the land of any person between the residence of such pupil and the school-house. No toll shall be collected of any pupil child for travel upon any turnpike road while attending a common school; nor shall such toll be collected of any teacher during the term of his school for travel between his boarding-house and school.

§ 93. Whenever the county superintendent notifies the trustees in writing that a school-house, or the inclosure thereof, has been condemned, and needs repairing or additions, or that the furniture or apparatus is insufficient, or in any case it becomes necessary to purchase a site to build a new school-house, then, if there be no funds available for such repairing or purchasing, the trustees shall levy a capitation tax, not exceeding one dollar per school year, for four years, on each male in the district over twenty-one years of age, which may be paid, at the discretion of the trustees, in work at one dollar per day, or in material at a price fixed by the trustees; or an ad valorem tax not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in the district per school year, or both a capitation and an ad valorem tax, to be collected as provided in section 89; and such tax shall be applied to the repairing or making additions, or to the purchase of a site, and the erection and furnishing of a school-house adapted to the wants of said district, or to the equipment of the school-house with furniture or illustrative apparatus. In case of an emergency, the trustees of a district may, in their corporate capacity, borrow a sufficient sum of money to repair or erect and furnish a school-house: *Provided*, The sum so borrowed shall not exceed an amount that

can be paid off in four years at the rate of taxation set forth in this section. In all suits arising in the collection of taxes under this chapter the county attorney shall act as attorney for the trustees, and shall receive for such service such compensation as may be allowed by the fiscal court. The amount collected from said district shall be paid out on the order of the trustees. If the trustees of any common school district fail, for the period of one year after the building of the school-house has been properly ordered, to have a good and sufficient school house in their district, equipped with the furniture and apparatus herein prescribed, each of them shall be guilty of a misdemeanor. The county superintendent shall report such failure to the grand jury at its next meeting, and, upon indictment and conviction, each of said trustees shall be fined not less than twenty-five nor more than one hundred dollars, unless he can show a good and satisfactory reason for such failure. Each school-house, including the site, furniture, and apparatus, shall have a property value of not less than one hundred and fifty dollars. Each school-house hereafter erected shall have a floor space of not less than ten square feet to each pupil child in the district; shall be at least ten feet between floor and ceiling; shall have at least four windows, one or more fire-places, with chimneys made entirely of brick or stone, or a sufficient number of stoves or other heating apparatus, with safe flues, to warm the room in the coldest weather; one or more doors, with locks and keys, which shall be kept during vacations by the chairman of the trustees, who shall be liable for any damage occurring on account of his neglect. The trustees shall furnish each school-house with at least the following articles of furniture and apparatus, and the teacher shall, at the close of the school of each year, deliver a complete inventory of the said articles to the chairman of the trustees: teacher's desk and chair; a seat, patent or otherwise, with back for each child, the height of the seat and its back to suit the age of the child—no desk or bench to be made to accommodate more than two children; writing desks or tables for all pupils studying writing; blackboard space of at least fifty square feet; water-stand; gong or call-bell; terrestrial globe; wall-map of the world, wall-map of the United States, and wall county map of Kentucky, and such charts upon reading, writing, physiology, etc., as the trustees may select.

§ 94. Whenever there shall be a tax levied in any common school district, or graded school district, it shall be the duty of the trustees to appoint a district treasurer, who shall hold his office until the taxes imposed have been collected, unless sooner removed by the county superintendent, which he may do for any failure on the part of the said treasurer to discharge his duties as required by law. Before the treasurer shall enter upon the discharge of his duties he shall execute bond in a sum equal to at least double the amount of taxes to be collected to the Commonwealth of Kentucky, with one or more sufficient securities,

to be approved by the county judge, for the faithful performance of his duties. The tax shall be levied on the property of the district as may be assessed and equalized for county taxation, immediately preceding the levy by the trustees; and within ten days after said levy, it shall be the duty of the district treasurer, with the assistance of the county superintendent, to make, or cause to be made, from the assessor's books as equalized for county taxation, and the records of assessments of property as filed by the Railroad Commissioners or board of assessment in the office of the county clerk, a list of the names of all persons or corporations liable for such taxes, and the amount of property owned by each and liable therefor, and the total amount of tax due from each. The person holding the legal title to the property at the time the tax is levied shall pay the tax thereon. As soon as such list shall have been completed it shall be delivered to the chairman of the board of trustees, who shall, within five days thereafter, deliver a copy thereof to the clerk of the county court, which shall be filed in his office. The board of trustees shall, within five days after such tax-list shall have been delivered to the chairman, fix the time in which such taxes shall be paid to the district treasurer, which shall not be less than three nor more than six months from the time of making such order. The board shall cause written or printed notice of the amount of the levy, and the time in which the tax is required to be paid, to be posted in at least three public places in the district. It shall be the duty of all such tax-payers to pay their taxes to the district treasurer before the expiration of the period designated by the board of trustees. On the failure of any such tax-payer to pay his taxes within such designated period he shall, at the expiration thereof, be deemed delinquent, and a penalty of five per cent. of the amount of taxes due shall attach against each delinquent at the expiration of the period for receiving the taxes. It shall be the duty of the treasurer to make out a list of all the delinquents, and the amount of tax and penalty due from each, and deliver the same to the board of trustees of such district, who shall deliver one of such lists to the sheriff of the county, and he shall have the power to collect such taxes, and levy on and sell property therefor, and shall be entitled to the same fees as in collecting other taxes. The sheriff shall collect the tax, by sale of property or otherwise, within ninety days after receiving the list, and shall, within thirty days after making any collection, pay the amount to the treasurer of the district; and shall, within ninety days after receiving such delinquent list, return the same to the treasurer; and for any failure to discharge his duties he shall be liable on his bond. In all respects he shall be governed by the law concerning collection of State taxes. On the return of any delinquent list no property found, the district treasurer may institute suit in the name of the Commonwealth against such delinquents. For his services, the treasurer shall not be allowed more than six per cent. of the

amount received and disbursed by him as required by law. The treasurer shall, within ten days after the receipt of any money under the provisions of this law, turn the same over to the county superintendent of common schools of his county, who shall be responsible on his official bond for the proper care and disbursement of said money, and shall pay the same out upon the order of the treasurer of the district from which said money was paid. The treasurer shall, in his annual report, make an itemized statement of the amount levied, the purpose of such levy, the amount collected, the amount disbursed, and the amount still on hand, if any.

§ 95. Unless there are sufficient funds on hand derived from other sources for the purposes named in this section, the trustees shall annually assess and collect a capitation tax of not more than one dollar on all persons of the district who are entitled to vote for trustees, which shall be collected as other school taxes are collected as hereinbefore provided, the proceeds of which shall be used for providing the school-house with fuel, additional furniture or apparatus, and defraying other necessary expenses incident to the comfortable conduct of the school: *Provided*, Said poll or capitation tax may be discharged, by the permission and under the direction of the trustees, by the party or parties upon whom the same may be levied, by the delivery of wood or coal in value equal to the tax imposed, or by the performance of such labor as may be necessary.

§ 96. The trustees, in their corporate capacity, at a meeting called for that purpose, shall employ a qualified teacher, agree with him as to compensation, and for good cause, of which he shall be first notified in writing, remove him, subject to the approval of the county superintendent. The contract between the teacher and trustees shall not be entered into before the first day of June of the calendar year in which the school is to begin. It shall expressly prescribe that its terms are subject to all the provisions of the common school laws, and shall be in writing, signed by the teacher and at least two of the trustees. Whenever a teacher is entitled to a payment for having taught a common school, it shall be the duty of the trustees of the district to certify that the school has been legally taught for the period specified. No person shall be allowed to teach a private or other school in any district school-house unless he be of a good moral character, and have the consent of not less than two of the trustees of the district in which said school is to be taught.

§ 97. During the two weeks preceding the opening of the school, the trustees shall visit all the parents of pupil children and urge upon them the necessity of prompt and regular attendance at school. They shall make careful inquiry as to whether any children are unable to purchase the necessary books, and immediately report the names of all such children to the county superintendent only. During the progress of the

school the trustees shall ascertain the causes of all non-attendance of children, and shall remove such causes, if practicable.

§ 98. The board of trustees shall meet at the school-house on the day of the opening of the school, and at the same place at least once a month thereafter during the session of the school. At each meeting they shall carefully examine the teacher's register, and shall consider : (1) The condition of the school-house, furniture, apparatus and surroundings ; (2) the work of the school ; (3) the attendance, and how to increase it ; (4) the needs of the school, such as fuel, brooms, buckets, crayons, desks, blackboards, books, etc. They shall provide for any deficiency that may exist in any of these respects, and see that the regulations for the government of the school are complied with, and that the teacher performs his duty. Upon complaint of the teacher, in writing, the trustees shall have power, after investigation, to suspend a pupil or expel him from school. When the trustees shall ascertain, by examining the teacher's register or monthly report, that the average daily attendance for twenty consecutive days taught has been less than twenty-five per cent. of the total number of pupil children of the district, as shown by the last census, they may, with the consent of the county superintendent, dismiss the teacher, and employ another teacher to complete the session of the school, unless they shall be satisfied that the decreased attendance was due to such natural causes as high water, extremely inclement weather, epidemics or unusual sickness in the district. Any trustee failing or neglecting to comply with the provisions of this section shall be subject to indictment, and, upon conviction, shall be fined ten dollars for each offense.

§ 99. When any family shall have any infectious or contagious disease, no member of such family shall attend any school until the trustees thereof shall allow them to do so ; and during the prevalence in the district of dangerous epidemics the trustees shall order the school closed ; but the teacher shall not be required to lose the time of this forced suspension, unless so stipulated in his contract.

§ 100. It shall be the duty of the trustees of each district, annually, during the month of April, to take an exact census of all the children then residing in such district who will be, on the first day of July following, between the ages of six and twenty years, and on or before the first day of May report a list of the same to the county superintendent, and a duplicate list to the clerk of the county court, to be filed in his office, specifying the name, age, sex and names of the parents or guardians of each child. Should said trustees willfully add to the list the names of persons not entitled to be placed on same, or otherwise knowingly make a false list, such person thus offending shall, in addition to being liable to punishment for the crime of false swearing, be subject to a fine of not less than fifty dollars ; and should any other school officer be a party to such fraudulent

lists, or any way aid in the commission of such fraud, he shall be liable to the same punishment. For a failure to take such census, and report the same within the time and in the manner herein required, the trustees shall be liable to a fine of not less than twenty dollars; and said trustees shall not take the census of any children who have recently removed into the district, and who had been previously reported in the census of the pupil children for the year in the district from which they have removed, or who had recently removed into the district from another State or county; but any pupil child who may not have been reported in the district in which he resides may attend the common school without payment. This section shall be printed in the census blanks furnished by the Superintendent of Public Instruction.

§ 101. At the termination of each school year, the trustees shall make a report to the county superintendent, showing, in tables of details and aggregates, the length of time taught, the highest, lowest and average number of children at school; the cost of tuition of each child for the session and per month; the number of private schools, academies and colleges taught in the district, and length of sessions of the same; the number of teachers employed—male, female and total—for the common schools; the wages of male or female teachers; the amount of money raised for common school purposes in the district by county and district tax or otherwise, and for what the same was disbursed; the kind and value of school-houses, and the number of volumes in district library, if any; and any other information required of them by the county superintendent touching the school.

§ 102. The chairman of the board of trustees shall sign all reports made by him, and for a failure to make any such report within thirty days after the same is required by law, shall be subject to a fine of twenty dollars, and besides shall be liable to an action for damages by any person injured thereby.

§ 103. No trustee shall be allowed to buy any teacher's claim, directly or indirectly, under the penalty of removal from office by the county superintendent. Any teacher who shall offer or give, directly or indirectly, and any trustee who shall ask or accept, directly or indirectly, either for himself, for another trustee, for the district, the school or the school-house, any valuable consideration other than the services of the teacher, for employing, or for being a party to employing, any teacher, shall be deemed guilty of bribery, and, upon indictment and conviction thereof, shall be fined as provided by law for the punishment of bribery.

§ 104. For any neglect of duty or misfeasance in office the trustees shall, in addition to being fined as aforesaid, be removed from office by the county superintendent.

§ 105. The chairman of the board of trustees, in consideration

of his services, shall be exempt from duty as overseer or a hand upon a public highway, and from militia duty.

§ 106. If any person who is elected or appointed trustee of a common school under the provisions of this act shall willfully fail or neglect, after having accepted said office, to perform the duties imposed upon him herein, he shall be fined fifty dollars therefor.

§ 107. A trustee when he resign, vacates, is removed, or goes out of office, shall, within ten days thereafter, deliver to his successor any money, property, books or papers in his custody as trustee; and for failure therein, he may be fined any sum not exceeding fifty dollars; and it shall be the duty of the county superintendent to report all such defaults to the grand jury.

ARTICLE X. DISTRICT TAXATION.

§ 108. In any common school district in the State, including cities and towns reporting as one district, in which the clearly ascertained will of the people shall be in favor of a district tax in aid of common schools, the levying of such a tax therein shall be lawful.

§ 109. The will of the people of any district in relation to such a tax therein shall be determined by a vote of the qualified voters thereof at the time and place and in the manner prescribed in section 87 of this chapter for the election of district trustees; and any widow or spinster residing in any school district, who is a tax-payer, or who has children within the ages fixed by the common school laws to be educated, shall be deemed a qualified voter under this chapter. But previously to the taking of such a vote, printed notices, signed by the county school superintendent of the county in which such district lies, and by the chairman of the trustees of such district, stating the amount and object of the tax proposed to be raised, and the time and place of taking the vote, shall have been posted by the chairman for ten days, at three or more prominent places in the district; and when lines dividing school districts pass through the lands of any person, dividing the same, the taxes shall be levied and paid to the district where the homestead may be situated.

§ 110. The question of district taxation may be submitted to the legal voters of the district every school year, unless the county or the said district be collecting for that school year a county school tax or district school tax previously voted. But when the amount, object and length of time are distinctly stated to the voters, the tax may be voted at one election to continue three successive years. The proceeds of such tax shall be expended for any of the objects herein specified, and for no other object. The extension of the common school for a longer term, the better payment of the teacher thereof. In the event of the levy of a county school tax during the continuance of a city,

town or district school tax, the school trustees of the city, town or district may, and upon the presentation to them of a petition signed by one-fourth of the legal voters of such city, town or district, asking that the question be submitted, after the usual notice, submit to the legal voters the question of discontinuing the said city, town or district tax, or the question of decreasing the rate thereof.

§ 111. It shall be the duty of the officers holding the election to open the poll, and an officer of the election shall propound to each voter who votes the question: "Are you in favor of the district school tax?" and his vote shall be recorded for or against said tax as he directs. The officers of the election shall return a fair and true record of the votes taken for and against such a tax, certified and sworn to by themselves, before some officer authorized to administer oaths, to the county school superintendent; and if it be found that a majority of those voting shall have voted in favor of such district tax, it shall be the duty of the county superintendent to furnish the district treasurer with the boundary of the district, and said treasurer shall collect said district tax.

§ 112. The assessment of property, the collection of taxes, the powers and duties of trustees and other officers, under this article, shall be governed by section 94 of this chapter.

§ 113. The county superintendent shall, in making his annual report to the Superintendent of Public Instruction of the schools taught in his county, make report also of the amount of money thus raised, and the manner in which it has been appropriated.

§ 114. The tax allowed under the foregoing sections shall not exceed twenty-five cents in any one year on the hundred dollars' worth of taxable property in the district, and one dollar on each white male person twenty-one years of age or over, and the provisions of section 78 shall apply to any tax imposed under this article.

ARTICLE XI. GRADED SCHOOLS.

§ 115. It shall be the duty of the county judge in each county of this Commonwealth, upon a written petition, signed by at least ten legal voters, who are tax-payers in the justice's district, town or city of the fifth or sixth classes in his county, to make an order on his order-book, at the next regular term of his court after he receives said petition, fixing the boundary of any proposed graded common school district, as agreed on by the county judge and the petitioners, and directing the sheriff, or other officer whose duty it may be to hold the election, to open a poll in said proposed graded common school district, at the next regular State, town or city election to be held therein, or on any other day fixed by said judge in said order, not in either case earlier than forty days

from the date of said order, for the purpose of taking the sense of the legal white voters in said proposed graded common school district upon the proposition whether or not they will vote an annual tax, in any sum named in said order, not exceeding fifty (50) cents on each one hundred dollars (\$100) of property assessed in said proposed graded common school district, town or city, belonging to said white voters, or a poll-tax in any sum named in said order not exceeding one dollar and fifty cents (\$1.50) per capita on each white male inhabitant over twenty-one (21) years of age residing in said proposed graded common school district, or both an ad valorem and a poll-tax, if so stated in the said order, for the purpose of maintaining a graded common school in said proposed graded common school district, and for erecting, purchasing or repairing suitable buildings therefor if necessary: *Provided*, That the proposition to establish any graded common school district and school, as provided for in this section, is approved in writing on the petition to the county judge by a majority of the trustees of any common school district, included wholly or partly within the boundary of said proposed graded common school district, and approved in writing on said petition by the county superintendent of common schools; that no point on the boundary of any proposed graded common school district be more than two and one-half miles from the site of its proposed school-house, and that the location and site of said school-house in said district are set out with exactness in said petition to the county judge.

§ 116. It shall be the duty of the county court clerk to give to said sheriff or other officer a certified copy of the order of the judge of the county court as it appears in his order-book, within ten days after said order is made.

§ 117. It shall be the duty of said sheriff or other officer to have the order of the county judge published in some weekly or daily newspaper published in the county for at least twenty days before the election, and also to advertise the same by printed or written handbills, posted at five conspicuous places in said proposed graded common school district, for the same length of time; but if there is no daily or weekly newspaper published in the county, the printed or written handbills, posted as before provided, shall be sufficient notice. The said sheriff or other officer shall have the advertisement inserted, and notices herein provided for posted, within ten days after he receives the order of the county judge, and at least twenty days before the election.

§ 118. The said sheriff or other officer shall appoint a judge and a clerk of the said election, who shall take and subscribe to an oath for the faithful performance of his duties. On the day set apart for the election the officers shall open a poll, and shall propound to each voter who may vote the question: "Are you for or against the graded common school tax?" and his vote shall be recorded for or against the same as he may direct.

§ 119. If it shall appear that a majority of the votes cast at the said election were in favor of said tax, then it shall be the duty of the county judge to cause the certificate of the examining board showing the amount of tax voted, and the names of the six trustees elected, to be entered of record in the order-book of his court, and to give a copy thereof to the county superintendent, who, in connection with the trustees, shall organize a graded common school in said district in accordance with the provisions of this law.

§ 120. The graded common school districts, when organized as aforesaid, are hereby incorporated, and each of them shall be under the management and control of a board of six trustees, the first board to be elected at the same time and place, and by the same persons, who vote at the election for the tax, as provided in sections 110 and 113 of this law; and the six persons receiving the highest number of votes cast shall be declared elected trustees.

§ 121. The persons so elected shall be named and styled "The Board of trustees of the _____ Graded Common School District," and in that name may sue and be sued, contract and be contracted with, and as a natural person may acquire, hold, dispose of and convey, by purchase, gift, devise or otherwise, any real or personal estate, goods and chattels, necessary and convenient for the uses and purposes of such graded common school; and the title to all such property shall vest in said board of trustees and their successors in office, to be held sacred for the use and benefit of said graded common school district.

§ 122. The trustees thus elected shall be divided by lots into three classes, to hold their offices for one, two and three years respectively, or until their successors are elected and qualified; the two trustees selected for the shortest term to retire from office on the second Saturday in May following their election; and the two selected for the second shortest term, and the two selected for the longest term, shall serve one year and two years, respectively, after the second Saturday in May following their election. On the first Saturday in May following the first election of trustees under this act, and the first Saturday in May of each year thereafter, there shall be elected, as trustees of common schools are elected, two trustees of the said graded common school district, who shall qualify on the second Saturday of the month of their election, to succeed the two trustees retiring from office, and to serve three years, and until their successors are elected and qualified. If, at any time, there should be a vacancy in said board, the same shall be filled by election by the remaining members, and the person elected to fill such vacancy shall hold his office until the expiration of the term for which his predecessor was elected or appointed.

§ 123. Said trustees, before entering upon the discharge of their duties, shall each take an oath faithfully to perform the duties required of them under this law.

§ 124. Said trustees may adopt such by-laws and rules for the government of themselves and their appointees, and for the control, government and management of graded common schools in their respective districts, as they may deem necessary, not in conflict with law, and shall keep a journal of their proceedings, which shall be open at all times to the inspection of any citizen of the graded common school district in which he or she may reside.

§ 125. Said trustees shall appoint and employ the principal and all teachers, and fix their compensation, and may suspend or dismiss them, or any other person appointed or employed by them; may prescribe the branches (other than those required by law to be taught in the common schools) which may be taught in said graded common schools, and prescribe the necessary qualifications and the mode of examination of applicants for positions as superintendent, principals or teachers in said graded common schools; but no person shall be appointed or employed as superintendent, principal or teacher in any graded common school, organized under the provisions of this law, who is not a person of good moral character, and who has not a county certificate, as required by the common school law of Kentucky. Each teacher in a graded common school, except in cities of the first, second, third and fourth classes, shall be required to keep a register as prescribed in section 126 for teachers of other common schools, which register shall be left with the president of the board of trustees, who shall be responsible for it and return it to the teacher at the opening of the next school term. From the registers in the hands of the several teachers in the graded common school, and the record kept by the board of trustees, the principal teacher and the president of the board of trustees shall, within ten days after the close of the school, make a report to the county superintendent, being provided with blanks therefor by the superintendent; said report to give such information as is specified in section 101 of this law.

§ 126. It shall be the duty of each secretary of the board of trustees of schools, maintained wholly or in part by the State, in cities of the first, second, third and fourth classes, to report annually, on or before the first of September, to the Superintendent of Public Instruction, such facts as will enable him, in his reports to the General Assembly, to give the important school statistics of such cities in connection with those of the county in which they are situated. The secretary shall be supplied by the Superintendent of Public Instruction with blanks therefor.

§ 127. The said trustees shall elect one of their number president, who shall preside at their meetings, and perform such other duties as may be required of him, and they may elect a secretary and prescribe his duties. The president and the secretary, or either of them, shall make such reports to the county superintendent as are required of common school trus-

tees, and shall publish, annually, such information as will show the financial condition of the graded common school district, and such other facts as they may deem beneficial to the cause of education in their respective districts.

§ 128. All white children within the common school age residing in any graded common school district shall have the right of free admission to the graded common school thereof.

§ 129. The trustees may admit into said graded common school children who do not reside within the said district, or persons over the common school age, on such terms and conditions, and upon the payment of such tuition and other fees as they may deem proper.

§ 130. The said board of trustees shall appoint a treasurer for said graded common school district, who, before entering upon the duties of his office, shall, in the county court, execute bond, with sureties approved by the court payable to the Commonwealth of Kentucky, for the use and benefit of the trustees of said graded common school district, conditioned for the faithful performance of his duties under this article. All funds arising from the sale of bonds under this law, and all funds collected for the purpose of defraying the annual expenses of said schools, and for the payment of the principal and interest of said bonds, or for any other purpose, shall go into the hands of said treasurer, who shall, together with his sureties, be responsible therefor. Said treasurer shall pay out said funds only for the purposes for which they were respectively collected, upon the written order of the president and secretary of said board of trustees. The board of trustees shall pay its treasurer such sum for his services as shall be reasonable and just.

§ 131. The county superintendent of common schools shall annually pay to the treasurer of any graded common school district that may be organized and operating in his county, in conformity with this article, the pro rata portion of the State and county funds due the said district, according to the number of pupil children therein, as soon as the same shall come into his hands; or if desired by the trustees, he may pay in January the full amount due said district.

§ 132. Said board of trustees shall provide funds for purchasing suitable grounds and buildings, or for erecting or repairing suitable buildings, and for other expenses needful in conducting a good graded common school in their graded common school district; and to this end they may use such part of the proceeds of the said tax as they may deem necessary, and it shall be the duty of said board of trustees, and if, in their opinion, it be necessary, and they are hereby authorized and empowered, to issue the bonds of their respective graded common school districts, in such an amount as may be needed to provide suitable grounds, school buildings, furniture and apparatus; but the amount of said bonds shall not exceed fifteen thousand (\$15,000) dollars for any such district. The said bonds may be

of any denomination, in even hundreds, not exceeding one thousand dollars each, running not exceeding thirty years, and bearing interest at a rate not exceeding six per cent. per annum, payable annually or semi-annually, as expressed in said bonds, payable to bearer, with interest coupons attached. They shall be signed by the president of said board of trustees, and attested by the secretary thereof; shall pass by delivery, and shall be redeemable at the option of said board. Said bonds shall be sold by the trustees, or their authorized agent, for the highest price obtainable, but not for less than their face par value, and the proceeds paid over to the treasurer, and applied to the uses and purposes contemplated in this law.

§ 133. The board of trustees in any graded common school district where the tax has been voted shall cause to be levied and collected an annual ad valorem tax, in any sum not exceeding the amount voted for in said district under the provisions of this law, upon each one hundred dollars' worth of property of every kind and character, having value and owned by any white person, company or corporation, subject to taxation, within the limits of said graded common school district, or shall cause to be levied annually a poll-tax in any sum not exceeding the amount voted in said district under this law, on each white male citizen residing within the limits of any graded common school district, over twenty-one years of age, or both an ad valorem and a poll-tax, if so voted at the said election: *Provided*, No levy shall be made under the provisions of this law later than the close of the fiscal year in which the last county assessment shall have been made. The board of trustees shall, out of collections under each levy, by order, set apart out of the collections of each levy a sufficient amount to pay interest for the year on any bonds issued, and the treasurer shall pay same; and, in addition, shall, out of the several levies, until entire payment of such bonds, set aside a sufficient amount as a sinking fund, when aggregated, to meet the principal of the bonds at maturity, which sinking fund shall be kept loaned, with ample security, or profitably invested, and shall be used for no other purpose than the payment of principal of such bonds. But if the board so order, the sinking fund, or any part thereof, may be used in the purchase of such bonds before maturity, except a sufficiency to pay interest on the outstanding bonds.

§ 134. The assessment of property, the collection of taxes, powers and duties of trustees and other officers in graded common school districts, shall be governed by section 94.

§ 135. The title to all common school property in the limits of any graded common school district organized under the provisions of this law shall be, and the same is hereby, vested in the board of trustees of said graded common school district, and they are hereby authorized and empowered to sell and convey the same, or to use the same for graded common school purposes, as to them shall seem best.

§ 136. After the first election provided for in this law shall have been held, the tax voted, trustees elected, and the graded common school organized, the board of trustees shall appoint the officers to hold all other elections, which officers shall take an oath to be under the same responsibilities and subject to the same penalties as the officers holding State or county elections, only they shall make returns of poll-books, and certify the result of the elections to the board of trustees, who shall examine and compare the same, and issue certificates to the persons found to be elected.

§ 137. If it be found that a majority of the votes cast upon the said proposition in the election provided for in section 115 to be cast against said tax, then the said tax shall not be levied or collected. But the question of voting the said tax may, after the expiration of two years from the first or any subsequent vote, be again submitted to the legal voters of said district upon the conditions and in the manner prescribed for the first vote.

§ 138. The provisions of this law shall apply to such graded common school districts as may be applied for and organized by the colored people of this Commonwealth, and such districts and graded schools may be organized by them, in all cases, the same as the white districts herein provided for are organized. In that case the word "colored" is to be substituted for the word "white" wherever it has occurred heretofore in this law. No white person shall vote at any election held by the colored people under the provisions of this law; nor shall the property of any white person be taxed to maintain any graded common school for colored children; nor shall the property of any colored person be taxed for the benefit of any graded common school for white children; nor shall any white child attend any graded common school for colored children organized under the provisions of this law; nor shall any colored child attend any graded common school for white children.

§ 139. The provisions of this article shall not affect, or in any way interfere with, any graded common school or schools maintained by any city of the fifth or sixth class, or any town or school district organized by virtue of a special act of the General Assembly, unless the said city, town or district shall, by a majority vote, indorsed by the recorded action of the board of trustees, accept the provisions of this article for the government of the said school or schools in an election held under the written order of the county judge, or of the mayor of said city, in the manner and under the restrictions of sections 115, 116, 117 and 118, in which election nothing but the matter of such acceptance shall be determined; and the only question propounded to each voter shall be: "Are you in favor of accepting the provisions of the general graded common school law?" In the event of such majority vote in favor of accepting the said provisions, and an indorsement by the board of trustees, the

graded common school or schools of the said city, town or district shall thereafter be governed by and subject to all the preceding provisions for graded common schools.

§ 140. The provisions of this article shall not affect, or in any way interfere with, any system of graded common schools established and maintained by any city of the first, second, third or fourth class, by virtue of a general or special act of the General Assembly; but any city of the first, second, third or fourth class may accept the provisions of this law, and make its graded common schools subject to all the provisions thereof, except as specially hereinafter provided in this section, by a majority vote, indorsed by the recorded action of the board of trustees, at an election held in the manner prescribed in section 137. In the event of a majority vote in favor of accepting the said provisions, and an indorsement by the board of trustees, the following provisions shall apply to the graded common schools of such city of the first, second, third or fourth class, instead of the corresponding provisions in the preceding sections of this article: (1) An order for the holding of an election, as first provided in section 115, may be made by the mayor, and the said mayor shall, in such case, perform all the duties required of the county judge in carrying into effect the provisions of the law; the number of petitioners shall be one hundred instead of ten; the election shall be held by the officer whose duty it is to hold other city elections; the approval of the county superintendent shall not be required in the petition, and the location and site of any proposed school-house shall not be required to be set out in the said petition. (2) The maximum limit for the cost of any school building shall be one hundred thousand dollars (\$100,000), instead of fifteen thousand dollars (\$15,000). (3) The number, name and style of the board of trustees shall be determined by themselves instead of the number being limited to six; but the number of trustees in no case shall exceed one more than the number of wards of the city. (4) The length of the term, the order of retirement, the date of election of trustees, may be fixed by the charter of said city, but the term of office shall in no case exceed four years. (5) Principals and teachers shall not be required to hold county certificates. (6) The president of the board of trustees may be elected from the city-at-large if the said board shall so determine. (7) The Superintendent of Public Instruction shall pay directly to the treasurer of the city graded common schools the pro rata portion of school funds due said city from the State. (8) The aggregate amount of the outstanding bonds issued by the board of trustees shall not, at any given time, exceed two per cent. of the taxable property of the city, instead of the bonds so issued being limited in amount to fifteen thousand dollars (\$15,000). (9) The assessment of property made by the city assessor, and equalized according to law, shall be made the basis for collection of city taxes for school purposes of every kind, and the said taxes shall

be collected by the city collector at the time of collecting other city taxes, and he shall be responsible on his official bond for the same.

§ 141. The board of trustees of graded schools maintained by taxation, and designed for the education of children residing within certain boundaries, may, in cases where the tax now imposed in such districts is not sufficient to pay for the school buildings which have heretofore been completed, but not paid for, issue the bonds of such districts for an amount equal to the sum due for completing the school buildings, and impose annually a tax of not exceeding twenty-five cents on each one hundred dollars' worth of property in the district, in addition to the tax now imposed in such districts, to pay the bonds so issued and the interest thereon; and the foregoing provisions shall apply as well to like schools, under the authority and management of a board of education or other authority of a district, town or city; and in cases where bonds were issued prior to the adoption of the present Constitution, by authority of special laws, and have matured without being paid, the board of trustees, board of education, or other authority of a town, city or district, may issue the bonds of the district, town or city to an amount equal to the sum still due and unpaid, under the conditions and restrictions herein imposed.

§ 142. The bonds so issued shall bear not exceeding six per cent. interest per annum, and shall be issued by a majority of the trustees, and in such manner as they may deem best, and shall be payable at such times, and at such places, and in such amounts as they may determine; and the tax to pay the bonds and interest shall be imposed by an order signed by a majority of the trustees, specifying the annual tax to be imposed.

§ 143. The tax so imposed shall be paid on the assessment value of the property in the district as ascertained by the assessment made for State and county purposes next preceding the collection of the tax, and shall be collected in the same manner as is provided for the collection of district taxes by section 89 of this chapter, and the same penalties shall be added for a failure to pay the same; and the same compensation shall be paid for its collection as is paid for collecting the State revenue.

§ 144. The board of trustees shall annually, on the second Monday in May, impose the tax, and when paid the treasurer of the board shall at once apply the same to the payment of the bonds and interest as required by the board. When the bonds and interest are paid, the tax shall not be levied or collected; nor shall the trustees, or any of them, receive any compensation for their services under this law.

§ 145. The bonds herein provided for shall be signed by the chairman of the board of trustees of the graded school and countersigned by the secretary. The collecting officer and the treasurer of the board of trustees shall settle their accounts with

the board on or before the first Monday in January each year, and the board may require them to state their accounts as often as once every three months.

ARTICLE XII. TEACHERS.

§ 146. There shall be three grades of certificates issued to teachers of common schools: First, a State teacher's diploma; second, a State teacher's certificate, and, third, a county certificate, which may be first-class, second-class or third-class. Before any person shall be qualified to teach any common school, such person shall obtain one of these three grades of certificates.

§ 147. State diplomas may be issued by the State Board of Examiners, after a personal examination, held at the State Capitol on the last Wednesday of June and August of each year, upon the subjects embraced in the common school course of study, and also upon the science and art of teaching, psychology, English literature, algebra, higher arithmetic, geometry, physics and elementary Latin. In order to be entitled to a State teacher's diploma, the applicant, in addition to passing the required examination, shall be at least twenty-four years old, shall have taught in the State at least two years, and shall present satisfactory evidence of unexceptionable moral character. A State diploma shall be good until revoked by the Superintendent of Public Instruction, or until the holder shall fail for two successive years to be engaged in active school work. It shall qualify the holder for eligibility as a candidate for the office of county superintendent of common schools, and may, for cause, be revoked by any county superintendent as far as it applies to his county, of which immediate information shall be given the Superintendent of Public Instruction. A State diploma shall be impressed with the seal of the State Board of Examiners, and the fee of the applicant shall be five dollars.

§ 148. A State teacher's certificate may be granted by the State Board of Examiners upon the recommendation of the county board of examiners, after a written examination, held in applicant's county, attaining an average grade of at least ninety per cent., the lowest grade upon any subject being not less than seventy per cent., upon the subjects embraced in the common school course of study, and also upon English literature, elementary algebra, higher arithmetic, and the science and art of teaching, including the elements of psychology. In order to be entitled to a State certificate, the applicant, in addition to passing the required examination, shall be at least twenty-one years old, shall have had two years' experience in teaching, and shall present satisfactory evidence of unexceptionable moral character. The questions for the examination of applicants for State certificates shall be forwarded by the State Board of Examiners, with the questions for the June and August county examinations, at the same time, in the same package, and be preserved

and opened at the same time as the questions for county certificates. The applicants for State certificates shall be examined in the same days upon which the applicants for county certificates are examined—in June and August—and immediately upon the close of the examination for State certificates, the county superintendent shall collect the papers of each applicant for a State certificate, preserve them from all inspection, make such examination of them as will enable the said county board, with their personal knowledge of the applicant, to make a recommendation to the State Board of Examiners that a State certificate should or should not be granted, and forward the same by registered mail to the State Board of Examiners, with a recommendation as to the granting of a State certificate. No applicant shall be examined for a State certificate, unless the said applicant is known by the county superintendent to possess an unexceptionable moral character, and to possess the age and experience herein required. With the answers, as forwarded to the State Board of Examiners, the county superintendent shall inclose a written statement, in proper form, that the examination had been held in strict accordance with the law; and that the applicant had not, either directly or indirectly, received any assistance, and that the moral character of the applicant is unexceptionable. If the answers and statement are deemed sufficient, if the recommendation of the county board be favorable, the State Board of Examiners may issue a State certificate, which shall entitle the holder to teach in the common schools of the State for a period of eight years, unless revoked by the Superintendent of Public Instruction, or unless the holder shall fail for two successive years to be engaged in active school work. At the expiration of the time for which it was granted, if it shall not have been revoked by the Superintendent of Public Instruction, and if the holder shall not have failed for two successive years to be engaged in active school work, a State certificate may be renewed for another eight years by the State Board of Examiners without additional fee, upon the recommendation of the board of examiners of the county whereof the holder shall at that time be a resident. Any county superintendent may, for cause, revoke any State certificate, so far as it applies to his county, of which immediate information shall be given the Superintendent of Public Instruction. A State certificate shall be impressed with the seal of the State Board of Examiners, and the fee charged the applicant shall be four dollars, besides the registration fee for forwarding the answers, of which one dollar shall be paid to the county board of examiners. The proceeds of the fees for examinations for State diplomas, State certificates, and of the examination of candidates for county superintendent, shall be divided between the two professional members of the State Board of Examiners, in proportion to the services rendered by them. County certificates shall be first class, second class and

third class, shall apply only to the county in which they are issued, and shall be good for four years, two years, and one year from date, respectively. After July 1, 1894, a certificate of the third class shall not entitle the holder to teach in any district reporting seventy or more pupil children, nor shall a certificate of the second class entitle the holder to teach in any district reporting eighty-five or more pupil children. A county certificate of the first class shall require an average grade of eighty-five per cent. upon all the subjects of the common school course, and upon the science and art of teaching; and the lowest grade in any subject shall not be less than sixty-five per cent. A county certificate of the second class shall require an average grade of seventy-five per cent., and the lowest grade on any subject shall not be less than fifty-five per cent. A county certificate of the third class shall require an average grade of sixty-five per cent., and the lowest grade on any subject shall not be less than fifty per cent. If at any time the holder of a county certificate shall be found incompetent, inefficient, immoral, or otherwise unworthy to be a teacher, the county superintendent shall revoke the certificate of such person; and any teacher dismissed from school on such grounds shall be entitled to receive payment for services only up to the time of dismissal. Nothing in this act shall be construed to require any teacher now holding a teacher's certificate to be re-examined until the expiration of said certificate. A person having taught for eight consecutive years in the same county under first class certificates obtained as hereinbefore provided, may have the last one renewed annually for four years by the county superintendent, who shall write upon it "Renewed," sign officially, and give date of such renewal.

§ 149. It shall be the duty of each teacher of a common school to keep such register of the school as the State superintendent may require of and furnish to him as needed, through the county superintendent. The teacher's register shall be the property of the district, shall be systematically graded for at least four years' work, shall be well preserved, without mutilation or useless marking; shall be in the care of the teacher during the school term, and at the close thereof shall be delivered to the chairman of the board of trustees, who shall be responsible for it, and deliver it to the teacher at the opening of the next school term, and it shall be open at all times to the inspection of the trustees and the county superintendent. The section allotted to each year shall be divided into two parts, designated as monthly summary and term summary. The monthly summary shall show the day of the week and day of month upon which the term began, the day of the week and of the month of each day taught, the number of pupils enrolled, the number in attendance each day, the name, sex and weekly standing of each pupil in each subject, and such other facts as the Superintendent of Public Instruction may desire. On the

last day of each month taught the teachers shall sum up and place at the end of the record for the month the facts herein required to be kept, with the day of the week and month on which the school month closed ; the highest and lowest number of pupil children in attendance, and the average percentage, of the attendance of the whole number of pupil children in the district. The term summary shall show the monthly statement made at the end of each month, the percentage of the enrollment of the whole number of pupil children in the district, the highest, lowest and average number of children in attendance, the average percentage of the children of the district in attendance, the number of pupils in each class, the name of the text-book used in each class, the point reached by each pupil in each book at the close of the term, the names of all pupils that should be advanced, the class of the teacher's certificate, his average monthly salary, and such other facts as may be required in the register.

§ 150. The Superintendent of Public Instruction shall provide for each teacher a blank monthly report for each month to be taught, and also a blank term report. At the end of each month taught, the teacher shall fill the monthly report of that month from the facts summed up in the monthly summary of the register, and shall present the monthly report to the chairman of the board of trustees, who shall carefully examine it, and if found correct he shall, if requested by the teacher, fill out and sign a certificate attached to the monthly report, certifying that the month had been legally taught; and upon the chairman's certificate the teacher shall draw his salary from the county superintendent for the month so certified after the monthly report has been duly delivered to the county superintendent. Within ten days after the close of the last month of the term, the teacher shall make out the term report from the term summary in the register; shall present the term report, the last monthly report, and the teacher's register to the chairman, who shall carefully inspect them and approve the reports, if correct, make out the chairman's annual report, and shall then give the teacher certificates for the month or months not previously certified, and shall place the chairman's annual report in the teacher's hands for delivery to the county superintendent. Nothing herein shall be construed to prevent a chairman of the board of trustees from certifying to, or a county superintendent from paying for, a fraction of a month in any case in which the teacher, from sickness or other disability, shall be unable to continue the school. Any teacher who shall make a false monthly or term report, or any chairman of trustees who shall give a certificate of a month or months taught before he has carefully examined and approved the report of each month, or any county superintendent who shall make a payment upon a teacher's salary, except upon the chairman's certificate, shall be guilty of a misdemeanor, and, on conviction, be fined fifty dollars for each offense.

§ 151. Teachers shall faithfully enforce in school the course of study, the use of the text-books adopted in the county, and the regulations prescribed in pursuance of law; and if any teacher shall willfully refuse or neglect to comply with such regulations, the county superintendent, on petition or complaint of the trustees, may remove or dismiss him; and in case of such dismissal or removal, the said teacher shall receive payment only for the time taught. The teacher is authorized and directed to hold each pupil to a strict accountability for any disorderly conduct on the play-ground, or during any intermission or recess, or on the road to and from school; and for good cause he may suspend any pupil; but such suspension shall be immediately reported, in writing, to the chairman of the board of trustees. In case of suspension, the action of the teacher shall be final, unless reversed by the trustees. Either party may appeal from the decision of the trustees to the county superintendent, whose decision shall be final. Any teacher of a common school who shall willfully displace from such school any text-book which has been adopted by the county board of examiners for use in the county wherein said school is taught, and shall use instead of such text-book any other text-book not so adopted, shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit his or her certificate, and for each offense shall be fined not less than ten nor more than twenty-five dollars; but no teacher shall be required or under any obligation to teach any other than the common school branches prescribed by the State Board of Education in the common schools, unless it shall be so specified in a written contract with the trustees.

ARTICLE XIII. TEACHERS' INSTITUTE.

§ 152. It shall be the duty of each county superintendent to organize, and cause to be held annually, a Teachers' Institute for the normal instruction, improvement and better qualification of the teachers of his county. The institute shall occupy not less than five days, and shall be held between the first day of July and the first day of November. The Superintendent of Public Instruction, and the two professional members of the State Board of Examiners, shall constitute a committee on programme to prepare and place in the hands of each county superintendent, not later than June 1st of each year, a programme of the work of the institute and a syllabus of each subject of instruction. The programme and syllabus shall be furnished each member of the institute, and shall be faithfully and efficiently carried out. Any county superintendent who shall willfully fail or neglect to hold the annual institute as prescribed in this article shall be fined fifty dollars.

§ 153. Each county superintendent of the State shall employ one or more able and experienced institute instructors to direct each institute held by him and to instruct the teachers thereof.

After June 1, 1893, no person shall be deemed qualified or authorized to take charge of an institute as conductor, director or instructor thereof, or to receive any compensation as conductor or instructor of an institute, and no county superintendent shall employ such person to conduct, direct or instruct an institute for compensation, unless such person shall have obtained a State diploma or a State certificate.

§ 154. Beginning in 1894, the Superintendent of Public Instruction shall, annually, call all the professional institute workers of the State into institute convention at the State Capital, during the month of May, for the purpose of better organization and more effective management of institute work. It shall be the duty of each person holding a State diploma or State certificate, and proposing to assume charge of an institute or of institutes as conductor or instructor, to attend each annual session of the institute convention; and any such person failing to attend shall forfeit his privilege to conduct or instruct any institute for that year, unless he can satisfy the Superintendent of Public Instruction that there was a reasonable excuse for not attending. At the said institute convention the whole subject of institute work shall be thoroughly discussed, and the best plans for prosecuting it throughout the State shall be adopted and used in all counties. The said institute convention may suggest to the committee on programme principles, subjects and methods for incorporation in the programme syllabus.

§ 155. Every teacher of a common school, including teachers of the graded common schools in cities of the fifth and classes who hold a State diploma, State certificate or county certificate, or who contemplates applying for certificate of qualifications to teach in the common schools, shall attend the full session of the institute in his home county unless he is teaching in another county in which the institute is yet to be held, or has attended the institute of a county in which he has a contract to teach. In teaching in a county other than his home county, whose institute is yet to be held, he must attend the full session of the latter. The county superintendent shall revoke the certificate of any teacher who shall fail or neglect to attend the full session of the institute, unless the superintendent shall be fully satisfied that such failure has been caused by actual sickness or other disability. After the county institute has been held, it shall be unlawful to grant any person a certificate to teach at any time during that school year, unless the said person shall have attended the full session of the institute of that or some other county during that school year, or unless the county superintendent shall be fully satisfied that the failure to attend the institute had been caused by sickness or other disability. During the institute there shall be a suspension of such schools as are in session, but no reduction of the teacher's salary shall be made on account of such suspension except as hereinafter provided. The time of actual attendance upon the institute in

days and parts of days shall be accredited to the teacher if the institute be held during the session of his school. At the close of the institute the county superintendent shall give to each teacher or other person in attendance a certificate of the number of days and parts of days that the teacher or other person had attended, which certificate of attendance shall be filed by the teacher with the chairman of the board of trustees of the district, who shall make report thereof to the county superintendent at the time of reporting the school.

§ 156. Any adjoining counties, not exceeding four in number, may combine and hold a joint institute: *Provided*, The county superintendents of all the counties concerned shall agree upon the plans necessary to the purpose; that each of them shall attend the full session of the said joint institute, and keep the record provided in section 157, and that at least two able and experienced instructors are employed, if more than two counties are combined.

§ 157. The county superintendent shall be present during the entire session of the institute; shall have the roll called every morning and afternoon; shall keep a strict daily register of the presence, absence and tardiness of the teachers and other members, and of the exercises of the institute, and, after the close thereof, shall have the proceedings printed in one or more newspapers. He may collect two dollars, but in no case shall he collect less than one dollar from each teacher or other person in attendance on the institute, except honorary members, and twenty-five cents of the sum so collected from each person shall be paid into the county library fund. From the fees collected from the teachers and other persons in attendance the county superintendent shall pay all necessary expenses of the institute. The proceedings shall be published in such local papers as will do this without charge, and one copy shall be forwarded by the county superintendent to the office of Superintendent of Public Instruction. Any residue, after the payment of the institute expenses, shall also be paid into the county library fund. In case of a joint institute, any surplus fund shall be prorated among the counties concerned.

§ 158. In selecting a proper place for holding the teachers' institute, the county superintendent shall decide with reference to the convenience and accommodation of the place, and shall endeavor to make such arrangements as he best can for economizing and reducing the expenses of teachers while in attendance. He shall, twenty days before the institute begins, notify by mail the trustees of his county of the time and place of holding it; and it shall be the duty of each trustee to notify promptly every teacher in his school district. The county superintendent shall likewise direct the trustees of each district to post notices thereof.

§ 159. The Superintendent of Public Instruction may, when requested by a county superintendent, recommend able and ex-

perienced normal instructors to conduct the teachers' institutes, whose pay shall be derived from and paid by the county superintendent out of the funds raised from the teachers and other members of the institute.

§ 160. At each session of the institute every subject embraced in the common school course shall be brought before the institute, illustrated and discussed, and every feature of school organization and school management, together with the whole work of the teacher, shall be considered, and the common school laws of the State read and expounded.

§ 161. During the session of the institute there shall be held a county teachers' association, and one hour in the afternoon or the night meeting shall be daily set apart for this purpose. The association may be composed of all the officers and teachers of common schools present, and shall be called together by the county superintendent, who shall be *ex officio* president. The objects of such association shall be, primarily, to discuss and devise the best ways and means of promoting the interest of education, the improvement of teachers and the methods of teaching; and especially to devise means for securing better school-houses, better attendance, and local aid for common schools. The said association shall be a permanent organization, with one vice-president for each magisterial district, to be elected or appointed; and shall hold at least one meeting in each magisterial district, besides the meeting at the institute, during the first six months of each school year. Every teacher shall attend at least the meeting held in the magisterial district in which he shall teach, and upon failure to do so, shall teach an additional day during the school month following such failure, unless he shall satisfy the county superintendent that such failure was caused by sickness or other actual disability. The county superintendent shall attend each meeting of the association, and shall prepare, or have prepared, a programme of the exercises therefor.

§ 162. The county superintendent shall, at the time of making his annual report to the superintendent, also report the time and place of holding the teachers' institute, the name of the person or persons conducting the same, the number of persons registered as in attendance, the sum collected by a fee from each person in attendance, the number of teachers of common schools in the county who did not attend the institute and teachers' association; and such other facts as he may deem of value and interest.

ARTICLE XIV. COUNTY AND DISTRICT LIBRARIES.

§ 163. There shall be a county teachers' library in each county of the Commonwealth, to be kept under the care and in the office of the county superintendent, for the exclusive use and benefit of the teachers of the county. The sums collected for

the purpose at each annual institute, and all sums added thereto by donation, shall constitute the county library fund, which shall be kept and accounted for by the county superintendent.

§ 164. The county superintendent, as chairman, and two persons annually elected by the county institute, shall constitute a library committee for the selection and purchase of books, periodicals and furniture, and for the adoption of rules for the management of the library under the regulations of the State Board of Education. The library committee shall keep a permanent record of its acts and accounts open at all times to the inspection of the teachers; and, through its chairman, shall annually report to the county institute an itemized statement of all sums received and expended, the number, names and cost of books and other articles purchased; all donations of books and periodicals, with the names of donors; the number of books belonging to the library; the number in the library; the number on loan, and such other facts as may be required; and in his annual report to the Superintendent of Public Instruction the county superintendent shall state the sums received, the sums expended, the number of volumes in the library, and the increase during the year.

§ 165. When, by contribution, purchase, or otherwise, forty volumes can be collected for such purpose, the district trustees may organize a district library in connection with the school of the district, which shall be for the use of the district in which the same is located. They may make such suitable arrangements for keeping the books and periodicals of the said library as may be necessary, and may appoint a suitable person to take charge of the same, and to manage it according to such rules as they may prescribe, subject to the regulations prescribed by the county board of examiners.

§ 166. The trustees shall have the same control over the library as over the other school property; may receive donations of books, maps, charts and other works of interest. But no books of a sectarian, infidel or immoral character shall be placed in the library; and any such books found therein shall be removed by the order of the trustees or the county superintendent. The library shall be free to all pupils of suitable age belonging to the schools of the district; but any resident of the district may become entitled to its privileges upon the payment of such a sum of money for membership as the trustees may prescribe.

ARTICLE XV. COLORED SCHOOLS.

§ 167. All sums arising from any donation, gift, grant or devise by any person whatsoever, wherein the intent is expressed that the same is designed to aid in the education of the colored children in this Commonwealth, or of any county or school district therein, shall be held and used for the purposes specified

in such donation, gift, grant or devise ; and the Superintendent of Public Instruction, county superintendent of common schools of the county, and trustees of colored common school districts, shall receive such donations, gifts, grants or devise for the benefit of the colored schools of the State or particular county or district, respectively, and shall hold and use the same as requested by the donor or deviser.

§ 168. The number of colored children in each district, between the ages of six and twenty years, shall be taken and reported at the same time and in the same manner as required by law for taking the census of white children. All colored districts shall be designated by letters in alphabetical order for each county, as District A, District B, and so on.

§ 169. Colored school trustees for each colored school district shall be elected at the same time and in the same manner that white trustees are elected ; but no tax shall be levied upon the property or poll, or any services required of any white person for the benefit of a school for colored children ; and no tax shall be levied upon the property or poll, or any services required of any colored person for the benefit of a school for white children ; and no colored person shall be allowed to vote for a trustee of a white school, and no white person shall be allowed to vote for a trustee of a colored school. It shall not be lawful, under any of the provisions of this chapter, for any white child to attend any common school provided for colored children, or for any colored child to attend any common school provided for white children.

§ 169. The colored school officers and teachers shall be organized into teachers' institutes for themselves, in the same manner and to the same extent as provided for in sections 152 to 162, inclusive.

§ 170. All duties which are required of any officer under this chapter shall be performed by them under the penalties herein prescribed, and when no penalties are prescribed, then the officer failing to perform the duties imposed shall be guilty of a misdemeanor, and upon indictment in the circuit court of the county in which said misdemeanor may occur, shall be subject to a fine in any amount in the discretion of a jury, and the Superintendent of Public Instruction shall give information of all failures or neglect of duty which come to his knowledge, to the attorney for the Commonwealth in the county in which the failure to perform or neglect of duty shall occur.

§ 171. As a large number of pupil children in the State that are deprived of an opportunity to attend a five months' school, by reason of being placed in districts that maintain only three and four months' schools, and as it is clearly the intention of the law that each child should, at as early a date as possible, have an equal opportunity to obtain a common school education ; therefore, an emergency exists, which emergency is hereby declared, and this act shall take effect when approved by the

Governor; and all laws and parts of laws in conflict herewith are hereby repealed.

THE FOLLOWING AMENDMENTS WERE PROPOSED
BY THE COMMITTEE:

Section 7, line four, strike out all after the word "examiners" down to and including the word "dollar," in line five.

Section 9, insert after the word "except," in line three, these words: "To pay the expenses of the State Department of Education, or whatever character or kind, and."

Section 18, line four, strike out "State Treasury" and insert "common school fund."

Section 31, add after the word "amendatory," in line three, these words: "All bills for printing, and any other expenses incurred by the State Department of Education for the benefit of the common schools, shall be paid out of the common school fund."

Section 36, line six, strike out the words "general expenditure," and insert the word "school."

Section 48, strike out "misdemeanor," in line eight, and insert "felony," and strike out "county jail" in line ten and insert "penitentiary not less than one nor more than five years, and shall be removed from office."

Section 49, line twenty-five, strike out the word "ninety" and insert "thirty."

Sections 63 and 64, strike out sections 63 and 64, and insert the following: (Refer to inclosed printed copy.)

Section 87, strike out in line twenty-five the words "select from the persons who tied," and insert the word "appointed."

Section 94, insert after the word "bond," in line seven, the words "to the trustees."

Section 94, insert the following after the word, "each," in line nineteen: "The sheriff shall collect the railroad tax levied for common school purposes, and shall pay the same over to the county superintendent, who shall pay the same over to the district treasurers of their respective districts."

Section 94, add after the word "delinquent," in line forty-nine, the following: "The treasurer shall pay out the money in his hands on the written order of the trustees."

Section 94, line fifty one, strike out all after the word "law," and insert the following: "The treasurer shall, in his annual report to the trustees and to the county superintendent, make an itemized statement of the amount levied, the purpose of such levy, the itemized amount collected, the amount disbursed, and the amount still on hand."

Section 122, line sixteen, strike out all after the word "the" and insert these words: "Next regular election, when his successor shall be elected to fill out the unexpired term."

Section 143, line five, strike out 89 and insert 94.

Section 153, line one, strike out "shall" and insert "may."

Amend article 6 by striking out sections 63 and 64, and insert the following:

§—. All publishers of text-books, other than those of immoral, sectarian or sectional character, on studies embraced in the common school course, as prescribed by law, shall have the privilege of contracting with the Superintendent of Public Instruction to put their books in the schools of the several counties of Kentucky.

§—. It shall be the duty of the Superintendent of Public Instruction to notify the several publishers of school text-books in the United States that they have the right, on complying with the conditions of this act, to furnish their books for use in the common schools of Kentucky. They must first file with the Superintendent of Public Instruction a specimen copy of each book, and the lowest wholesale cash price thereof, and also the lowest wholesale cash price on a series of books, and also the lowest wholesale price they will furnish all the books used in the studies embraced in the common school course in one county or more; and said price shall not exceed seventy-five per cent. of the present wholesale published price list of said book or books; and they may add not more than twenty per cent. to pay the freight and local distribution; and the net wholesale price, with twenty per cent. added, shall be the Kentucky retail price of that book, and such price shall be marked in plain words and figures on the back of each book; and the Superintendent of Public Instruction shall contract with no publishing house or houses, or book company, nor consider their application, unless they declare in the contract, and be responsible for it on their bond, that they are furnishing their books to the several counties of Kentucky at no higher price than the lowest price charged for the same books, and furnished by them or their agents, to any other State or States.

§—. It shall be the duty of the Superintendent of Public Instruction to notify, by circular letter, every county superintendent in the State, giving the price of each book and series of books of each publisher or book company which has filed with him application to sell books in Kentucky; also the price at which such book or books will be furnished in exchange for those in use in the schools; and he may send to each county superintendent one specimen copy of all school books offered for acceptance: *Provided*, The same shall have been furnished him for such purpose by any publisher or their agents, free from any cost to the county or State. The State Superintendent shall give such other information as he may have regarding

the mechanical quality, the comparative literary merits, and the adaptability of the books so furnished. It shall be the duty of each county superintendent to give all practicable currency to said circular letter by reading it before educational meetings, or publishing it in a local newspaper for the information of teachers, trustees and patrons of the school.

§—. The county board of examiners, the county judge and the county attorney, shall constitute the county school book board. The county superintendent shall be chairman, and can call a meeting at any time; but the adoption of text-books must be done at a public meeting after due public notice has been given of such meeting of the board. The names of each member of the board, and the book or books each prefers, shall be set down in the county superintendent's record-book, and the book, or series of books that has the most preferences, shall be the text-books adopted for the common schools of the county; a copy of this choice of text-books, as thus ascertained, and signed by the chairman and secretary of the board, shall be forwarded to the Superintendent of Public Instruction by the chairman, and the Superintendent of Public Instruction shall proceed immediately to close the contract with the publishers whose books have been adopted.

§—. Each publisher or company whose books have been adopted shall, before the distribution of said books for use in the common schools, file with the Superintendent of Public Instruction a bond, with two resident freehold securities, in the penal sum of \$500 for supplying one county with books; \$2,500 for more than one and less than ten counties; \$5,000 for ten and less than twenty counties, and for twenty counties or more, \$10,000. These shall be the bonds when one company or publishing house furnishes all of the text-books used in the common schools of the county or counties in teaching all the branches prescribed by the common school law; and a proportionally less bond shall be required of publishing houses furnishing one or more books on the subjects prescribed by the common school law to be taught. The publishers may, in lieu, deposit in the State Treasury the amount required in interest-bearing bonds, the interest accruing on the same to be paid over to the depositor. These obligations and bonds shall be held payable to the State of Kentucky, conditioned upon the faithful performance of the contract and agreement made in pursuance of this act. Upon a breach of any of the conditions of such bond the Superintendent of Public Instruction shall, in the name of the State institute suit thereon to recover the same. All money so recovered, after the payment of the cost of proceedings, shall be paid into the common school fund, and be disbursed as a part thereof, as provided by law. The publishers shall also agree to give to the several counties using their text-books under this act the revisions, new editions or other improvements which may be made in any or all the text-books furnished under the provisions of

this act, without any increase in the price of said text-books. The county school-book board shall not accept such revisions, if it is to involve additional expense to patrons, or the multiplying of classes. The publishers shall agree in said contract to send, by mail or express, prepaid, to all trustees, teachers, patrons and pupils of the common schools, copies of said text-books upon receipt of the Kentucky retail price thereof.

§—. It shall be the duty of publishing houses so contracting to sell to the local dealers at the wholesale price upon receipt of the money. Any dealer or agent who shall charge any teacher or patron or pupil of a common school a sum greater than the Kentucky retail price, as marked on the back of the book, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars and not more than twenty dollars for each offense. Any teacher of a common school who shall displace from such school any text-book which has been contracted for under the provisions of this act, and which has been adopted for use in the county wherein said school is taught, and shall use instead of such text-book any other text-book not so contracted for, or not so adopted, shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit his or her certificate to teach, and for each offense shall be fined not less than ten dollars and not more than twenty dollars. The said text-books furnished shall be equal in paper, typography, binding and composition, and in every other respect, to sample copies filed with the Superintendent of Public Instruction, and upon which the contract was made.

§—. If any publisher or book company, whose books have been adopted, shall fail or refuse to enter into contract, the Superintendent shall declare the adoption void, and shall so notify the county superintendent, and he shall call another meeting of the county school-book board, and select other books. These adoptions of text-books and contracts of the Superintendent of Public Instruction shall be of binding force for a period of four years.

§—. Any member of the county, city or town school-book board, who shall receive any money, or any other thing of value, for his vote of preference in the selection of text-books, shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit his office and his certificate to teach, and be fined not less than fifty dollars, nor more than five hundred dollars. Any person or publisher, or book company, who, through agents or otherwise, shall give, or attempt to give, any money, or other thing of value, to any member of the county school-book board, calculated to influence his preference in the choice of text-books, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars. The punishment shall be either fine or imprisonment, or both.

§—. It shall be the duty of a county superintendent know-

ing of any violation of this act by dealers, teachers, publishers, or their agents, to report the same to the county attorney, who shall prosecute such dealers, teachers, publishers, their agents, or any other person, in any court of competent jurisdiction in the county in which such violation may occur. All laws in conflict with this act are hereby repealed: *Provided*, That this act is not to affect, modify or repeal any local or special law which establishes any city or town in one district; but the same shall be governed in all respects by the local laws and authorities, and it shall in nowise affect the charter and amendments thereto of any city or town in this Commonwealth, so far as said charter and amendments relate to the public schools of said cities and towns; nor shall this act affect, modify or repeal any local or special laws now in force for the benefit of any school, high school, seminary, college or other institution of learning in this State.

§ —. That nothing contained in the bill shall interfere with the books now used by the public schools for the present year.

Mr. Pettit moved that said bill be considered by sections.

Said motion was adopted.

Section one was adopted.

Mr. Kirk moved to amend section 2, line thirteen, by striking out the figures "1893" and insert "1894."

Said amendment was adopted.

Mr. Harlow moved to amend section 2, lines 21, 23, 25 and 26, by striking out the words "forty-five" and insert in lieu thereof the word "fifty."

Said amendment was rejected.

Mr. Combest moved to amend section 2, line twenty-one, by inserting after the word "county" the following: "That the funds of each county shall be equally divided among the several districts of the county except where there is a system of graded schools in any county. Said graded school district or districts shall be entitled to their pro rata as reported for each pupil in the State of Kentucky, and that said district be set off as compact and convenient as may be done by the county superintendent."

Said amendment was rejected.

Mr. Hay moved to amend section 2 by striking out all after line twelve.

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Hutcheson and Sims, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	A. L. Harned,	J. F. Porter,
W. S. Bailey,	H. K. Hay,	I. M. Quigley,
R. F. Bass,	Daniel James,	S. H. Shouse,
B. T. Birkhead,	R. M. Kincheloe,	Fenton Sims,
J. M. Dawson, Jr.,	William Krieger,	C. C. Spalding,
E. M. Dickson,	W. H. May,	W. W. Stephenson,
D. B. Edmiston,	W. F. Peak,	D. W. Tribble
J. M. Frazee,	Thos. S. Pettit,	N. S. Walton—25.
Thos. H. Hanks,		

Those who voted in the negative, were—

W. W. Ayres,	George Will. Follis,	John S. May,
B. F. Bennett,	Wm. Garrison,	W. F. Neat,
John Botts,	Ben. F. Gardner,	J. A. Perkins,
P. S. Bruner,	J. C. Glenn,	E. M. Pryse,
B. E. Caudill,	Geo. T. Halbert,	A. T. Pullen,
A. H. Charlton,	U. G. Harlow,	C. D. Reed,
F. P. Combest,	P. R. Hays,	R. E. Roberts,
R. F. Comer,	F. W. Hutcheson,	John Ryan,
L. J. Cox,	W. W. Johnson,	W. R. Stewart,
W. J. Cox,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	T. S. Kirk,	J. R. Thomas,
J. E. Durham,	Henry Kremer,	John M. Tinsley,
McD. Ferguson,	H. P. Lively,	Geo. E. Willett—41.
John Finn,	C. W. Mathers,	

And then the House adjourned.

SATURDAY, MARCH 11, 1893.

The House was opened with prayer by Rev. W. C. Taylor, of the Baptist Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	D. B. Edmiston,	H. P. Lively,
Lewis Alexander, Sr.,	McD. Ferguson,	C. W. Mathers,
W. W. Ayres,	John Finn,	W. H. May,
W. S. Bailey,	George Will. Follis,	John S. May,
R. F. Bass,	Wm. Garrison,	Hiram McElroy,
B. F. Bennett,	J. C. Glenn,	W. F. Neat,
B. T. Birkhead,	Geo. T. Halbert,	Thos. S. Pettit,
John Botts,	Thos. H. Hanks,	J. F. Porter,
P. S. Bruner,	U. G. Harlow,	E. M. Pryse,
Polk Cansler,	H. K. Hay,	A. T. Pullen,
A. J. Carroll,	P. R. Hays,	C. D. Reed,
B. E. Caudill,	Berry Howard,	John Ryan,
A. H. Charlton,	F. W. Hutcheson,	S. H. Shouse,
F. P. Combest,	Daniel James,	C. C. Spalding,
R. F. Comer,	W. W. Johnson,	W. W. Stephenson,
L. J. Cox,	J. S. Joplin,	W. R. Stewart,
W. J. Cox,	R. M. Kincheloe,	J. R. Summers,
J. S. Cullen,	T. S. Kirk,	J. R. Thomas,
J. M. Dawson, Jr.,	William Krieger,	John M. Tinsley,
E. M. Dickson,	Lewis Y. Leavell,	D. W. Tribble—60.

The following members were absent, viz :

T. J. Arnett,	B. B. Hensley,	R. E. Roberts,
Posey D. Ball,	W. J. Hissem,	D. H. Severs,
John Bartman,	Henry Kremer,	Waller Sharp,
John T. Bashaw,	John M. Letterle,	Fenton Sims,
W. P. Beard,	M. D. McInerney,	Samuel O. Tate,
Wesley Crow,	Harvey Myers,	Lewis E. Thomas,
James R. Dean,	Eli Nicholls,	N. S. Walton,
J. E. Durham,	J. P. O'Meara,	J. H. Welch,
J. M. Frazee,	John Lee Payne,	H. P. Whitaker,
Ben. F. Gardner,	W. F. Peak,	B. F. Willett,
J. P. Gay,	J. A. Perkins,	Geo. E. Willett,
S. M. Gough,	Granville Philpot,	R. B. Wilson,
A. L. Harned,	I. M. Quigley,	John D. Woods—40.
R. K. Hart,		

The Journal of yesterday was approved.

The following bills were introduced, viz :

By Mr. Charlton—

H. B. 481. A bill licensing business of lending or advancing money on chattel mortgages in this Commonwealth ; referred to the Committee on Retrenchment and Reform.

By Mr. Dickson—

H. B. 482. A bill for the benefit of J. Weitzel, of Frankfort, Kentucky, which appropriates money for the entertainment of Kentucky's invited guest, Hon. John R. Fellowes, of New York ; referred to the Committee on Claims.

By Mr. Gardner—

H. B. 483. A bill to establish a department of banking in this Commonwealth, and providing for the appointment of a Commissioner therefor, and certain assistants, and prescribing their duties and the manner of their compensation ; referred to the Committee on Banks and Banking.

Mr. Pettit moved the adoption of the following resolution, viz :

WHEREAS, Certain citizens of the State of Kentucky have claims against the Commonwealth unadjusted for supplies furnished the military encampment held at Frankfort in August and September, 1891 ; therefore,

Resolved, That the Auditor of Public Accounts is hereby directed to audit and report to this House, as soon as possible, the number of claims, to whom due, the amount due each claimant, and such other facts as he may deem necessary for the proper adjustment of said claims.

Said resolution was adopted.

The House took from the orders of the day H. B. 289, entitled

A bill to provide how the printing, binding and stationery used by the State shall be furnished,

Together with sundry amendments proposed thereto by the Senate.

Mr. Tinsley moved to refer said bill to the Committee on Printing and Accounts.

Said motion was adopted.

Mr. Dickson, from the Committee on General Statutes, reported H. B. 452, entitled

A bill to authorize county courts to submit propositions for

dividing or striking off territory to the legal voters, and providing for the transfer of said territory.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Bennett, from the Committee on General Statutes, reported H. B. 477, entitled

A bill providing for the supply of lost bills, resolutions, papers, records and documents pending before the General Assemblies of this Commonwealth, or of which they have the custody and control.

With the expression of opinion that said bill should not pass.

Said bill was read the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Halbert, from the Committee on General Statutes, reported H. B. 411, entitled

A bill concerning gaming,

Together with sundry amendments proposed thereto by the Senate.

Mr. Bailey moved to amend an amendment proposed by the Senate by striking therefrom the words "or in any room opening into such room."

Said amendment was adopted.

The yeas and nays being required thereon by Messrs. Carroll and Charlton, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	George Will. Follis,	Lewis Y. Leavell,
W. S. Bailey,	Ben. F. Gardner,	W. H. May,
R. F. Bass,	J. P. Gay,	John S. May,
Polk Cansler,	J. C. Glenn,	Thos. S. Pettit,
A. J. Carroll,	Thos. H. Hanks,	E. M. Pryse,
B. E. Caudill,	U. G. Harlow,	A. T. Pullen,
A. H. Charlton,	F. W. Hutcheson,	C. D. Reed,
L. J. Cox,	W. W. Johnson,	John Ryan,
W. J. Cox,	J. S. Joplin,	Fenton Sims,
J. M. Dawson, Jr.,	T. S. Kirk,	W. W. Stephenson,
E. M. Dickson,	William Krieger,	C. C. Spalding—34.
John Finn,		

Those who voted in the negative, were—

W. W. Ayres,	Geo. T. Halbert,	J. F. Porter,
B. F. Bennett,	H. K. Hay,	S. H. Shouse,
John Botts,	P. R. Hays,	W. R. Stewart,
P. S. Bruner,	Daniel James,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,
J. E. Durham,	H. P. Lively,	John M. Tinsley,
McD. Ferguson,	C. W. Mathers,	Geo. E. Willett—22.
Wm. Garrison.		

The amendments proposed by the Senate, as amended, were then adopted.

The question being taken on the passage of said bill, as amended, was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	C. W. Mathers,
Lewis Alexander, Sr.,	George Will. Follis,	W. H. May,
W. W. Ayres,	Ben. F. Gardner,	John S. May,
W. S. Bailey,	J. P. Gay,	Thos. S. Pettit,
R. F. Bass,	J. C. Glenn,	J. F. Porter,
B. F. Bennett,	Geo. T. Halbert,	E. M. Pryse,
B. T. Birkhead,	Thos. H. Hanks,	I. M. Quigley,
John Botts,	U. G. Harlow,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	John Ryan,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
A. J. Carroll,	F. W. Hutcheson,	Fenton Sims,
B. E. Caudill,	Daniel James,	C. C. Spalding,
A. H. Charlton,	W. W. Johnson,	W. W. Stephenson,
R. F. Comer,	J. S. Joplin,	W. R. Stewart,
L. J. Cox,	R. M. Kincheloe,	J. R. Summers,
J. S. Cullen,	T. S. Kirk,	J. R. Thomas,
J. M. Dawson, Jr.,	William Krieger,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	D. W. Tribble,
McD. Ferguson,	H. P. Lively,	Geo. E. Willett—57.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had passed bills, which originated in the House of Representatives, as follows, viz :

H. B. 227. An act to amend section 203 of the Criminal Code of Practice ;

H. B. 247. An act to prohibit barbering on Sunday in this Commonwealth ;

H. B. 460. An act for the protection and preservation of the health of the people of this Commonwealth ;

H. B. 461. An act concerning the Secretary of State ;

H. B. 469. An act concerning the seal of the Commonwealth and the seal of the Secretary of State ;

With amendments proposed by the Senate to the last two named bills.

That they had refused to concur in the amendment proposed by the House to S. B. 71, entitled

An act providing for actions in certain cases.

That they had passed bills, which originated in the Senate, as follows, viz :

1. S. B. 188. An act relating to and providing for a Court of Appeals.

2. S. B. 206. An act providing for the appointment of clerks for grand juries in certain cases.

3. S. B. 211. An act concerning the office of constable.

4. S. B. 213. An act relating to evidence.

Ordered, That said bills be referred as follows—the 1st to the Committee on Court of Appeals and Superior Court ; the 2d to the Committee on Circuit Courts ; the 3d to the Committee on General Statutes, and the 4th to the Committee on Codes of Practice.

Mr. Halbert, from the Committee on General Statutes, reported S. B. 205, entitled

An act concerning jailers.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Leave of absence, indefinitely, was granted Mr. Bashaw.

The House took up for consideration the unfinished business of yesterday, viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Mr. W. J. Cox moved to amend section 2 of said bill by striking out of line eight the word "twenty," and inserting in lieu thereof "twenty-one."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Pettit and Charlton, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	W. J. Cox,	W. W. Johnson,
R. F. Bass,	McD. Ferguson,	J. S. Joplin,
B. F. Bennett,	John Finn,	T. S. Kirk,
P. S. Bruner,	George Will. Follis,	William Krieger,
Polk Cansler,	Ben. F. Gardner,	John S. May,
A. H. Charlton,	U. G. Harlow,	W. F. Neat,
F. P. Combest,	Berry Howard,	John Ryan,
R. F. Comer,	F. W. Hutcheson,	John M. Tinsley—25.
L. J. Cox,		

Those who voted in the negative, were—

Mr. (Speaker) Moore,	J. P. Gay,	Thos. S. Pettit,
Lewis Alexander, Sr.,	J. C. Glenn,	J. F. Porter,
W. S. Bailey,	Geo. T. Halbert,	A. T. Pullen,
B. T. Birkhead,	Thos. H. Hanks,	I. M. Quigley,
John Botts,	H. K. Hay,	C. C. Spalding,
A. J. Carroll,	P. R. Hays,	W. W. Stephenson,
B. E. Caudill,	Daniel James,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
E. M. Dickson,	C. W. Mathers,	D. W. Tribble,
J. E. Durham,	W. H. May,	Geo. E. Willett—35.
D. B. Edmiston,	Hiram McElroy,	

Mr. Quigley moved to amend section 2 by striking out of lines 21, 22 and 23 these words: "Of less than forty-five pupil children, as follows: He shall apportion to each district, without regard to school population, the per capita of forty-five pupil children," and inserting in lieu thereof the words, "and to each district the per capita of pupil children therein."

Said amendment was rejected.

Section 2, as amended, was adopted.

Section 3 was adopted without amendment.

Mr. Ferguson moved to amend section 4 by striking out the

word "twenty" and inserting in lieu thereof the words "twenty-two."

Said amendment was rejected

The yeas and nays being required thereon by Messrs. Ferguson and Birkhead, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	John Ryan,
W. W. Ayres,	Thos. H. Hanks,	Fenton Sims,
B. T. Birkhead,	C. W. Mathers,	W. R. Stewart,
P. S. Bruner,	Thos. S. Pettit,	J. R. Summers,
F. P. Combest,	A. T. Pullen,	Geo. E. Willett—16.
J. E. Durham,		

Those who voted in the negative, were—

W. S. Bailey,	John Finn,	J. S. Joplin,
R. F. Bass,	George Will Follis,	R. M. Kincheloe,
B. F. Bennett,	Ben. F. Gardner,	T. S. Kirk,
John Botts,	J. C. Glenn,	Lewis Y. Leavell,
Polk Cansler,	Geo. T. Halbert,	H. P. Lively,
A. J. Carroll,	U. G. Harlow,	John S. May,
B. E. Caudill,	H. K. Hay,	Hiram McElroy,
R. F. Comer,	P. R. Hays,	E. M. Pryse,
L. J. Cox,	Berry Howard,	W. W. Stephenson,
Will J. Cox,	F. W. Hutcheson,	J. R. Thomas,
J. S. Cullen,	Daniel James,	John M. Tinsley,
D. B. Edmiston,	W. W. Johnson,	D. W. Tribble—36.

Mr. Cullen moved to amend said section 4 by striking out of line seven the word "shall" and insert the word "may."

Said amendment was adopted.

Section 4, as amended, was then adopted.

And then the House adjourned.

MONDAY, MARCH 13, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayne, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	John Finn,	John S. May,
Lewis Alexander, Sr.,	George Will. Follis,	Hiram McElroy,
W. W. Ayres,	J. M. Frazee,	W. F. Neat,
R. F. Bass,	Wm. Garrison,	Thos. S. Pettit,
B. F. Bennett,	J. C. Glenn,	Granville Philpot,
B. T. Birkhead,	Geo. T. Halbert,	J. F. Porter,
P. S. Bruner,	U. G. Harlow,	E. M. Pryse,
Polk Cansler,	H. K. Hay,	A. T. Pullen,
B. E. Caudill,	P. R. Hays,	John Ryan,
F. P. Combest,	B. B. Hensley,	D. H. Severs,
R. F. Comer,	F. W. Hutcheson,	W. W. Stephenson,
L. J. Cox,	Daniel James,	W. R. Stewart,
W. J. Cox,	W. W. Johnson,	J. R. Summers,
J. M. Dawson, Jr.,	J. S. Joplin,	J. R. Thomas,
E. M. Dickson,	R. M. Kincheloe,	John M. Tinsley,
J. E. Durham,	T. S. Kirk,	D. W. Tribble,
D. B. Edmiston,	Lewis Y. Leavell,	Geo. E. Willett—53.
McD. Ferguson,	H. P. Lively,	

The following members were absent, viz :

T. J. Arnett,	A. L. Harned,	i. M. Quigley,
W. S. Bailey,	R. K. Hart,	C. D. Reed,
Posey D. Ball,	W. J. Hissem,	R. E. Roberts,
John Bartman,	Berry Howard,	Waller Sharp,
John T. Bashaw,	Henry Kremer,	S. H. Shouse,
W. P. Beard,	William Krieger,	Fenton Sims,
John Botts,	John M. Letterle,	C. C. Spalding,
A. J. Carroll,	C. W. Mathers,	Samuel O. Tate,
A. H. Charlton,	W. H. May,	Lewis E. Thomas,
Wesley Crow,	M. D. McInerney,	N. S. Walton,
J. S. Cullen,	Harvey Myers,	J. H. Welch,
James R. Dean,	Eli Nicholls,	H. P. Whitaker,
Ben. F. Gardner,	J. P. O'Meara,	B. F. Willert,
J. P. Gay,	John Lee Payne,	R. B. Wilson,
S. M. Gough,	W. F. Peak,	John D. Woods—47.
Thos. H. Hanks,	J. A. Perkins,	

The Journal of Saturday was approved.

A message was received from the Governor, announcing that he had approved and signed bills of the following titles, viz:

H. B. 468. An act to amend an act to provide for the collection and exhibition of the resources and evidences of the progress of the State of Kentucky at the World's Columbian Exposition of 1893.

H. B. 218. An act concerning the militia of the Commonwealth of Kentucky.

H. B. 161. An act to amend subsection 3 of section 51 of the Civil Code of Practice.

H. B. 403. An act to provide when and how criminal causes pending in the circuit court of any county, by change of venue from another county, may be transferred to the county where the prosecution originated.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the House, of the following title, viz:

An act concerning laws, and entitled "Laws,"

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bill to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. Dickson introduced a bill of the following title:

H. B. 484. A bill to amend an act, entitled "An act to regulate the liability of insurance companies in this State in certain cases," approved December 3, 1892,

Which was referred to the Committee on Insurance.

The Speaker laid before the House a communication from the Sinking Fund Commissioners, in writing, as follows :

FRANKFORT, KY., MARCH 13, 1893.

HON. W. M. MOORE, *Speaker of the House of Representatives* :

SIR : On the tenth of February, 1893, the Commissioners of the Sinking Fund, by resolution, appointed Hon. H. S. Hale and Hon. J. W. Headley, a committee to visit Eddyville and report on the fire which burned the hospital on the sixth of February, 1893. Below I beg to transmit a copy of the report of said committee, to wit :

REPORT.

To the Sinking Fund Commissioners :

We, your committee, appointed to visit and inspect the condition of the Branch Penitentiary at Eddyville, and inquire into the extent of loss or damage by fire in the hospital, &c., would respectfully report that we have performed that duty.

The loss or damage by said fire is estimated at from \$2,500 to \$3,000, the main building of the hospital being a total wreck, the ell, however, being left intact, and is now used or occupied by the sick of the prison.

We would respectfully recommend that an appropriation be asked to rebuild said hospital.

We found the prison and prisoners otherwise in good condition.

Respectfully, &c.,

H. S. HALE,

J. W. HEADLEY.

On motion, the Board agreed to ask the Legislature to make an appropriation to rebuild the hospital at the Eddyville Penitentiary, destroyed by fire February sixth, 1893, as recommended in the foregoing report.

Respectfully submitted,

L. C. NORMAN, *Auditor*,

And Secretary Commissioners Sinking Fund.

Said communication was referred to the Committee on State Prisons and House of Reform.

The House took up for consideration the unfinished business of Saturday, viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Sections 5 and 6 were adopted without amendment.

The question being taken on the adoption of the amendment heretofore proposed by the committee to section 7, it was decided in the negative

Mr. Birkhead moved to amend section 7, line five, by striking out "one dollar" and insert "fifty cents."

Said amendment was rejected.

Mr. Severs moved to amend by striking out section 7.

Said amendment was rejected.

Section 7 was adopted as amended.

Section 8 was passed for the present.

The committee's amendment to section 9, heretofore proposed, was adopted.

Section 9, as amended, was adopted.

Sections 10, 11, 12 and 13 were adopted without amendment.

Mr. Glenn moved to amend section 14 by striking out "one," in line 6, and insert "two ;" also by striking out in line seven the word "two" and insert "one."

Said amendment was adopted.

Section 14, as amended, was adopted.

Mr. Pettit moved to amend section 15 as follows, viz :

Strike out all after the words "with the," in line one, down to the words "Secretary of State," in line four ; also strike out in line eight, all after the word "provided," down to the word "the," in the tenth line.

Said amendment was adopted.

Section 15, as amended, was adopted.

Section 16 was adopted without amendment.

Mr. Frazee moved to amend section 17, line two, by striking out "two" and insert "one ;" also strike out "members" and insert "member."

Said amendment was adopted.

Section 17, as amended, was adopted.

Mr. Pettit moved to strike out section 18 and insert the following, viz :

Section 18. The board shall meet only on the written call of the chairman.

Said amendment was adopted.

Section 18, as amended, was adopted.

Sections 19 and 20 were adopted without amendment.

Mr. Porter moved to amend section 21, line five, by striking out the word "other."

Said amendment was adopted.

Mr. Cox moved to amend section 21 by striking out all after the word "Kentucky" in line twenty-one.

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Hay and Finn, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. E. Durham,	E. M. Pryse,
W. W. Ayres,	Thos. H. Hanks,	A. T. Pullen,
R. F. Bass,	U. G. Harlow,	W. W. Stephenson,
B. F. Bennett,	F. W. Hutcheson,	D. W. Tribble—14.
W. J. Cox,	W. W. Johnson,	

Those who voted in the negative, were—

B. T. Birkhead,	Wm. Garrison,	W. F. Neat,
P. S. Bruner,	J. C. Glenn,	J. A. Perkins,
Polk Cansler,	Geo. T. Halbert,	Thos. S. Pettit,
B. E. Candill,	H. K. Hay,	Granville Philpot,
F. P. Combest,	P. R. Hays,	J. F. Porter,
L. J. Cox,	B. B. Hensley,	I. M. Quigley,
J. S. Cullen,	Daniel James,	John Ryan,
J. M. Dawson, Jr.,	J. S. Joplin,	D. H. Severs,
E. M. Dickson,	R. M. Kincheloe,	W. R. Stewart,
D. B. Edmiston,	T. S. Kirk,	J. R. Summers,
McD. Ferguson,	Lewis Y. Leavell,	J. R. Thomas,
John Finn,	H. P. Lively,	John M. Tinsley,
George Will Follis,	John S. May,	Geo. E. Willett—40.
J. M. Frazee,		

Section 21, as amended, was adopted.

And then the House adjourned.

TUESDAY, MARCH 14, 1893.

The House was opened with prayer by Rev. J. McCluskey-Blayney, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	John Finn,	John S. May,
Lewis Alexander, Sr.,	George Will. Follis,	Hiram McElroy,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
W. S. Bailey,	Wm. Garrison,	J. A. Perkins,
R. F. Bass,	J. C. Glenn,	Thos. S. Pettit,
B. F. Bennett,	Geo. T. Halbert,	Granville Philpot,
P. S. Bruner,	Thos. H. Hanks,	J. F. Porter,
Polk Cansler,	U. G. Harlow,	E. M. Pryse,
A. J. Carroll,	H. K. Hay,	A. T. Pullen,
F. P. Combest,	P. R. Hays,	C. D. Reed,
R. F. Comer,	B. B. Hensley,	John Ryan,
L. J. Cox,	F. W. Hutcheson,	S. H. Shouse,
W. J. Cox,	W. W. Johnson,	W. W. Stephenson,
J. S. Cullen,	J. S. Joplin,	W. R. Stewart,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
E. M. Dickson,	T. S. Kirk,	Lewis E. Thomas,
J. E. Durham,	Lewis Y. Leavell,	J. R. Thomas,
D. B. Edmiston,	H. P. Lively,	John M. Tinsley,
McD. Ferguson,	W. H. May,	John D. Woods—57.

The following members were absent, viz :

T. J. Arnett,	R. K. Hart,	I. M. Quigley,
Posey D. Ball,	W. J. Hissem,	R. E. Roberts,
John Bartman,	Berry Howard,	D. H. Severs,
John T. Bashaw,	Daniel James,	Waller Sharp,
W. P. Beard,	Henry Kremer,	Fenton Sims,
B. T. Birkhead,	William Krieger,	C. C. Spalding,
John Botts,	John M. Letterle,	Samuel O. Tate,
B. E. Caudill,	C. W. Mathers,	D. W. Tribble,
A. H. Charlton,	M. D. McInerney,	N. S. Walton,
Wesley Crow,	Harvey Myers,	J. H. Welch,
James R. Dean,	W. F. Neat,	H. P. Whitaker,
Ben. F. Gardner,	J. P. O'Meara,	B. F. Willett,
J. P. Gay,	John Lee Payne,	Geo. E. Willett,
S. M. Gough,	W. F. Peak,	R. B. Wilson—43.
A. L. Harned,		

The Journal of yesterday was approved.

The Speaker laid before the House a petition from the Board of Commissioners of the Central Kentucky Lunatic Asylum, asking for an appropriation to improve and relieve the overcrowded condition of said institution.

Said petition was referred to the Committee on Charitable Institutions.

Mr. Pettit introduced the followidg bill :

H. B. 485. A bill to provide additional clerical force in the Attorney-General's office.

Said bill was referred to the Committee on Claims.

Mr. Dickson introduced the following bill :

H. B. 486. A bill to regulate the liability of insurance companies that take life or accident risks on live stock in this Commonwealth.

Said bill was referred to the Committee on Insurance.

Mr. Cansler introduced the following bill :

H. B. 487. A bill to provide each common school district in this Commonwealth with an American National flag, specifying when and where the same shall be used.

Said bill was referred to the Committee on Federal Relations.

Mr. Carroll introduced the following bill :

H. B. 488. A bill fixing the salary of the Judges of the Court of Appeals of Kentucky.

Said bill was referred to the Committee on Court of Appeals and Superior Courts.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed a bill, entitled

S. B. 185. An act to repeal an act, entitled "An act to organize, supervise and maintain the common school in common school district No. 4, on John's creek, Pike county."

The House took from the orders of the day H. B. 476, entitled

A bill appropriating money to trustees of jury fund to reimburse them for amounts paid in excess of amounts allowed on basis of twelve grand jurors.

Said bill was read a second time.

The House took up for consideration the unfinished business of yesterday :

S. B 42. An act to provide for an efficient system of common schools throughout this State.

Section 22 was adopted without amendment.

Mr. Pettit moved to amend section 23 by striking out all after the word "annum," in line six: Add to the section "the sums of money hereby appropriated in this section shall be paid out of the school fund."

Said amendment was adopted.

Section 23, as amended, was adopted.

Mr. Pettit moved to amend section 24, lines two and three, by striking out "neither of whom shall be a member of the State Board of Education."

Said amendment was adopted.

Mr. Hay moved to amend section 24 by striking out the numerals 144 and insert 148.

Said amendment was adopted.

Mr. Finn moved to amend section 24, line eleven, by striking out the words "the professional members of."

Said amendment was adopted.

Section 24, as amended, was adopted.

Sections 25 and 26 were adopted without amendment.

Mr. Pettit moved to amend section 27 by adding thereto the following: "To be paid for out of the common school fund."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Pettit and Severs, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Thos. H. Hanks,	J. F. Porter,
W. W. Ayres,	H. K. Hay,	A. T. Pullen,
R. F. Bass,	P. R. Hays,	C. D. Reed,
W. P. Beard,	R. M. Kincheloe,	D. H. Severs,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	S. H. Shouse,
J. E. Durham,	C. W. Mathers,	W. R. Stewart,
John Finn,	Hiram McElroy,	J. R. Summers,
George Will. Follis,	Eli Nicholls,	John D. Woods—26.
J. C. Glenn,	Thos. S. Pettit,	

Those who voted in the negative, were—

W. S. Bailey,	E. M. Dickson,	W. H. May,
B. F. Bennett,	D. B. Edmiston,	John S. May,

B. T. Birkhead,	McD. Ferguson,	Harvey Myers,
John Botts,	J. M. Frazee,	W. F. Neat,
P. S. Bruner,	Ben. F. Gardner,	J. P. O'Meara,
Polk Cansler,	Geo. T. Halbert,	J. A. Perkins.
A. J. Carroll,	U. G. Harlow,	Granville Philpot,
B. E. Caudill,	A. L. Harned,	E. M. Pryse,
F. P. Combest,	F. W. Hutcheson,	I. M. Quigley,
R. F. Comer,	W. W. Johnson,	W. W. Stephenson,
L. J. Cox,	J. S. Joplin,	John M. Tinsley,
W. J. Cox,	T. S. Kirk,	Geo. E. Willett—38.
J. S. Cullen,	H. P. Lively,	

Section 27 was adopted.

Sections 28, 29 and 30 were adopted without amendment.

The amendment heretofore proposed by the committee to section 31 was rejected.

The yeas and nays being required thereon by Messrs. Gardner and Severs, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	Ben. F. Gardner,	Thos. S. Pettit,
W. W. Ayres,	J. C. Glenn,	J. F. Porter,
R. F. Bass,	Thos. H. Hanks,	A. T. Pullen,
W. P. Beard,	H. K. Hay,	C. D. Reed,
B. T. Birkhead,	P. R. Hays,	D. H. Severs,
J. M. Dawson, Jr.,	B. B. Hensley,	S. H. Shouse,
J. E. Durham,	R. M. Kincheloe	W. R. Stewart,
McD. Ferguson,	Lewis Y. Leavell,	D. W. Tribble,
John Finn,	C. W. Mathers,	Geo. E. Willett,
George Will. Follis,	Hiram McElroy,	John D. Woods—32.
Wm. Garrison,	Eli Nicholls,	

Those who voted in the negative, were—

W. S. Bailey,	E. M. Dickson,	W. H. May,
B. F. Bennett,	D. B. Edmiston,	John S. May,
John Botts,	J. M. Frazee,	Harvey Myers,
P. S. Bruner,	Geo. T. Halbert,	W. F. Neat,
Polk Cansler,	U. G. Harlow,	J. A. Perkins.
A. J. Carroll,	A. L. Harned,	Granville Philpot,
B. E. Caudill,	F. W. Hutcheson,	E. M. Pryse,
F. P. Combest,	W. W. Johnson,	I. M. Quigley,
R. F. Comer,	J. S. Joplin,	W. W. Stephenson,
L. J. Cox,	T. S. Kirk,	J. R. Summers,
W. J. Cox,	H. P. Lively,	John M. Tinsley—34.
J. S. Cullen,		

Mr. Myers moved to amend section 31, line one, by striking out the word "revise" and insert the words "collect, arrange for publication and index."

Said amendment was adopted.

Section 31, as amended, was adopted.

Sections 32, 33 and 34 were adopted without amendment.

Mr. Follis moved to amend section 35, lines sixteen and seventeen, by striking out the words "ten per cent. on the first five hundred dollars and," and the word "residue," and insert in lieu thereof "entire donation," so that it will read after amended "not exceeding five per cent. on the entire donation."

Said amendment was rejected.

Section 35 was adopted without amendment.

The amendment heretofore proposed by the committee to section 36 was rejected.

Mr. Pettit moved to strike out section 36.

Said motion was adopted.

Section 37 was adopted without amendment.

By unanimous consent, Mr. McElroy withdrew House resolution 92, entitled

Resolution fixing the day for adjournment *sine die*.

Mr. Woods, from the Committee on Rules, reported S. Resolution 55, entitled

Resolution providing for *sine die* adjournment of the General Assembly on the 11th day of May, 1893

Mr. Frazee offered the following as a substitute for said resolution, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky: That when this General Assembly adjourn May 11, 1893, it be to meet November 15, 1893.

Mr. Kremer moved to recommit said resolution to the Committee on Rules.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Woods and Spalding, were as follows, viz:

Those who voted in the affirmative. were—

John Bartman,
R. F. Bass,

J. C. Glenn.
Geo. T. Halbert,

Thos. S. Pettit,
Granville Philpot,

W. P. Beard,	Thos. H. Hanks,	E. M. Pryse,
B. F. Bennett,	H. K. Hay,	A. T. Pullen,
B. T. Birkhead,	P. R. Hays,	I. M. Quigley,
P. S. Bruner,	F. W. Hutcheson,	C. D. Reed,
B. E. Caudill,	W. W. Johnson,	R. E. Roberts,
W. J. Cox,	J. S. Joplin,	John Ryan,
J. S. Cullen,	R. M. Kincheloe,	D. H. Severs,
J. M. Dawson, Jr.,	T. S. Kirk,	W. W. Stephenson,
E. M. Dickson,	Henry Kremer,	W. R. Stewart,
J. E. Durham,	Lewis Y. Leavell,	J. R. Summers,
McD. Ferguson,	C. W. Mathers,	John M. Tinsley,
John Finn,	W. H. May,	D. W. Tribble,
J. M. Frazee,	John S. May,	Geo. E. Willett—47.
Ben. F. Gardner,	J. A. Perkins,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	D. B. Edmiston,	W. F. Neat,
W. W. Ayres,	Wm. Garrison,	Eli Nicholls,
W. S. Bailey,	J. P. Gay,	J. P. O'Meara,
John Botts,	U. G. Harlow,	J. F. Porter,
Polk Cansler,	A. L. Harned,	S. H. Shouse,
R. F. Comer,	H. P. Lively,	Lewis E. Thomas,
L. J. Cox,	Hiram McElroy,	John D. Woods—21

And then the House adjourned.

WEDNESDAY, MARCH 15, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayney, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	John Finn,	W. F. Neat,
Lewis Alexander, Sr.,	George Will. Follis,	Eli Nicholls,
W. W. Ayres,	J. M. Frazee,	J. A. Perkins,
W. S. Bailey,	Wm. Garrison,	Thos. S. Pettit,
R. F. Bass,	J. C. Glenn,	Granville Philpot,
W. P. Beard,	Geo. T. Halbert,	E. M. Pryse,

B. F. Bennett,	Thos. H. Hanks,	A. T. Pullen,
B. T. Birkhead,	U. G. Harlow,	C. D. Reed,
John Botts,	A. L. Harned,	John Ryan,
P. S. Bruner,	H. K. Hay,	D. H. Severs,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	B. B. Hensley,	W. W. Stephenson,
F. P. Combest,	W. W. Johnson,	W. R. Stewart,
R. F. Comer,	J. S. Joplin,	J. R. Summers,
L. J. Cox,	T. S. Kirk,	Lewis E. Thomas,
W. J. Cox,	William Krieger,	J. R. Thomas,
J. S. Cullen,	Lewis Y. Leavell,	John M. Tinsley,
J. M. Dawson, Jr.,	H. P. Lively,	D. W. Tribble,
E. M. Dickson,	C. W. Mathers,	N. S. Walton,
J. E. Durham,	W. H. May,	Geo. E. Willett,
D. B. Edmiston,	John S. May,	John D. Woods—65.
McD. Ferguson,	Hiram McElroy	

The following members were absent, viz :

T. J. Arnett,	W. J. Hissem,	J. F. Porter,
Posey D. Ball,	Berry Howard,	I. M. Quigley,
John Bartman,	F. W. Hutcheson,	R. E. Roberts,
John T. Bashaw,	Daniel James,	Waller Sharp,
A. J. Carroll,	R. M. Kincheloe,	Fenton Sims,
A. H. Charlton,	Henry Kremer,	C. C. Spalding,
Wesley Crow,	John M. Letterle,	Samuel O. Tate,
James R. Dean,	M. D. McInerney,	J. H. Welch,
Ben. F. Gardner,	Harvey Myers,	H. P. Whitaker,
J. P. Gay,	J. P. O'Meara,	B. F. Willett,
S. M. Gough,	John Lee Payne,	R. B. Wilson—35.
R. K. Hart,	W. F. Peak,	

The Journal of yesterday was approved.

Leave of absence, indefinitely, was granted Messrs. Spalding, Kincheloe and Howard.

The Speaker laid before the House the following communication, viz :

LEXINGTON, KY., March 15, 1893.

Hon. W. M. MOORE, *Speaker of the House, Frankfort, Ky.:*

DEAR SIR: The following resolution was unanimously adopted by the Chamber of Commerce at its regular meeting on the 14th inst.:

WHEREAS, The Legislature of this Commonwealth has, by an almost unanimous vote, passed the bill creating two additional World's Fair Commissioners, thereby declaring themselves to be

staunch friends of the blue-grass region ; and whereas, the Governor has manifested his approval of said bill, and displayed great wisdom in the selection as such Commissioners the Hon. John F. Hager, of Boyd county, and our esteemed fellow-townsmen, Wilbur R. Smith, President of this Chamber of Commerce ; therefore,

1. *Be it resolved*, That this Chamber extend to the Governor and members of the Legislature a vote of thanks for their action in forwarding a measure that can only redound to the common benefit of our whole people.

2. That this Chamber encourage, aid, and assist in every way possible the new Commissioners and their colleagues to make a creditable display of the boundless resources and vast richness of not only the blue-grass section but of the State at large.

3. That a copy of these resolutions be forwarded by the Secretary of this Chamber to the Speaker of the House and presiding officer of the Senate, with a request that they be read in open session of these respective bodies ; also, that a copy be forwarded to the Governor.

A. J. CAMPBELL, *Sec'y of C. of C.*

Mr. Woods, from the Committee on Banks and Banking, reported H. B. 483, entitled

A bill to establish a department of banking in this Commonwealth, and providing for the appointment of a commissioner therefor and certain assistants, and prescribing their duties and the manner of their compensation,

With the expression of opinion that it should not pass.

Said bill was read the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Said bill was ordered to be printed and read the second time on some other day.

A message was received from the Senate, announcing that they had disagreed to H. B. 443, entitled

An act to authorize the fiscal courts of the counties of this Commonwealth to levy and collect a poll and ad valorem tax for county purposes, and declaring an emergency.

Mr. Johnson, from the Committee on Public Health, reported H. B. 478, entitled

A bill to prevent and punish the adulteration and sale of baking powders.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the Senate, of the following titles, viz :

S. B. 45. An act to prescribe the mode of proceeding against persons guilty of contempt of the General Assembly, or either House thereof, and to fix the penalty for such offenses ;

S. B. 199. An act concerning mills, and entitled " Mills ; "

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered. That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

Mr. Tribble, from the Committee on Enrollments, reported that they had examined enrolled bills and a joint resolution, which originated in the House, of the following titles, viz :

H. B. 247. An act to prohibit barbering on Sunday in this Commonwealth ;

H. B. 372. An act concerning the State Treasurer ;

H. B. 462. An act to amend an act, entitled " An act to provide for the collection and exhibition of the resources and evidences of the progress of the State of Kentucky at the World's Columbian Exposition of 1893 ; "

H. Resolution 90. Resolution authorizing the appointment of a commission to assist in locating the position of Kentucky troops at the battle of Chickamauga and Missionary Ridge, Tennessee ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills and resolution would now be read, and that he would sign the same to the end that they might become laws.

Said bills and resolution were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills and resolution to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills and resolution to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

A message was received from the Governor, announcing that he had approved and signed H. B. 462, entitled

An act to amend an act, entitled "An act to provide for the collection and exhibition of the resources and evidences of the progress of the State of Kentucky at the World's Columbian Exposition of 1893."

Mr. Shouse, from the Committee on Agriculture and Manufactures, reported H. B. 472, entitled

A bill to prevent the use of Paris green or other poisonous substances on growing tobacco, and prescribing the penalty therefor.

Said bill was read the first time.

The question being taken on ordering said bill to be printed and read the second time, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Roberts and John S. May, were as follows, viz:

Those who voted in the affirmative, were—

W. W. Ayres,	Ben. F. Gardner,	A. T. Pullen,
A. J. Carroll,	J. P. Gay,	I. M. Quigley,
B. E. Caudill,	J. C. Glenn,	C. D. Reed,
R. F. Comer,	Geo. T. Halbert,	R. E. Roberts,
L. J. Cox,	U. G. Harlow,	D. H. Severs,
J. S. Cullen,	B. B. Hensley,	S. H. Shouse,
J. M. Dawson, Jr.,	Daniel James,	W. W. Stephenson,
E. M. Dickson,	William Krieger,	W. R. Stewart,
J. E. Durham,	W. H. May,	D. W. Tribble,
D. B. Edmiston,	John S. May,	Geo. E. Willett—31.
J. M. Frazee,		

Those who voted in the negative, were—

Mr. (Speaker Moore),	John Finn,	C. W. Mathers,
Lewis Alexander, Sr.,	George Will. Follis,	W. F. Neat,
W. S. Bailey,	Wm. Garrison,	Eli Nicholls,
John Bartman,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	A. L. Harned,	J. F. Porter,
B. F. Bennett,	H. K. Hay,	John Ryan,
John Botts,	P. R. Hays,	J. R. Summers,
P. S. Bruner,	F. W. Hutcheson,	Lewis E. Thomas,
Polk Cansler,	W. W. Johnson,	John M. Tinsley,
F. P. Combest,	J. S. Joplin,	N. S. Walton,
W. J. Cox,	Lewis Y. Leavell,	John D. Woods—35.
McD. Ferguson,	H. P. Lively,	

The House took up for consideration the unfinished business of yesterday, viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Sundry amendments were proposed to section 38 by Messrs. Frazee, Glenn and W. H. May.

Pending the discussion of said amendments, the hour of 1 o'clock arrived,

And then the House adjourned.

THURSDAY, MARCH 16, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayney, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. M. Frazee,	Hiram McElroy,
W. W. Ayres,	Wm. Garrison,	W. F. Neat,
W. S. Bailey,	J. C. Glenn,	Eli Nicholls,
W. P. Beard,	Geo. T. Halbert,	Thos. S. Pettit,
B. F. Bennett,	Thos. H. Hanks,	Granville Philpot,
B. T. Birkhead,	U. G. Harlow,	J. F. Porter,
P. S. Bruner,	A. L. Harned,	E. M. Pryse,

Polk Cansler,	H. K. Hay,	A. T. Pullen,
B. E. Caudill,	P. R. Hays,	C. D. Reed,
A. H. Charlton,	B. B. Hensley,	John Ryan,
R. F. Comer,	F. W. Hutcheson,	D. H. Severs,
L. J. Cox,	Daniel James,	S. H. Shouse,
W. J. Cox,	W. W. Johnson,	W. W. Stephenson,
J. S. Cullen,	J. S. Joplin,	W. R. Stewart,
J. M. Dawson, Jr.,	T. S. Kirk,	J. R. Summers,
E. M. Dickson,	William Krieger,	Lewis E. Thomas,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley,
D. B. Edmiston,	H. P. Lively,	D. W. Tribble,
McD. Ferguson,	C. W. Mathers,	N. S. Walton,
John Finn,	W. H. May,	Geo. E. Willett,
Geo. Will. Follis,	John S. May,	John D. Woods—63.

The following members were absent :

Lewis Alexander, Sr.,	S. M. Gough,	J. A. Perkins,
T. J. Arnett,	R. K. Hart,	I. M. Quigley,
Posey D. Ball,	W. J. Hissem,	R. E. Roberts,
John Bartman,	Berry Howard,	Waller Sharp,
John T. Bashaw,	R. M. Kincheloe,	Fenton Sims,
R. F. Bass,	Henry Kremer,	C. C. Spalding,
John Botts,	John M. Letterle,	Samuel O. Tate,
A. J. Carroll,	M. D. McInerney,	J. R. Thomas,
F. P. Combest,	Harvey Myers,	J. H. Welch,
Wesley Crow,	J. P. O'Meara,	H. P. Whitaker,
James R. Dean,	John Lee Payne,	B. F. Willett,
Ben. F. Gardner,	W. F. Peak,	R. B. Wilson—37.
J. P. Gay,		

The Journal of yesterday was approved.

Leave of absence, indefinitely, was granted Messrs. Alexander and Botts.

The committees, to whom the same had been referred, reported the following bills, viz :

By Mr. James, from the Committee on Insurance—

H. B. 434. A bill to amend an act, entitled "An act to regulate the liability of insurance companies in this State in certain cases," approved December 3, 1892

By Mr. Follis, from same committee—

H. B. 486. A bill to regulate the liability of insurance companies that take life or accident risks on live stock in this Commonwealth.

By Mr. Myers, from the Committee on Codes of Practice—

S. B. 213. An act relating to evidence,

With an amendment proposed by the committee to the last named bill.

Said bills were severally read the first time, ordered to be printed, and read the second time on some other day.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the House, of the following title, viz :

H. B. 460. An act for the protection and preservation of the health of the people of this Commonwealth,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bill to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bill to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

A message was received from the Senate, announcing that they had passed bills, which originated in the House, of the following titles, viz :

H. B. 449. An act to repeal an act, entitled "An act to establish a public graded school in common school district No. 7, in Johnson county," approved March 19, 1888.

H. B. 422. An act permitting the court of claims or fiscal courts of this Commonwealth to appropriate certain funds belonging to the counties or districts thereof, in aid of the construction or repair of turnpikes in said counties,

With an amendment to the last named bill,

That they had refused to concur in an amendment proposed

by the House to an amendment proposed by the Senate to H. B. 411, entitled

An act concerning gaming.

The question being taken on receding from said amendment, it was decided in the affirmative.

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. C. Glenn,	J. P. O'Meara,
W. W. Ayres,	Thos. H. Hanks,	Granville Philpot,
John Bartman,	U. G. Harlow,	J. F. Porter,
W. P. Beard,	A. L. Harned,	E. M. Pryse,
B. F. Bennett,	H. K. Hay,	A. T. Pullen,
B. T. Birkhead,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	R. E. Roberts,
A. J. Carroll,	F. W. Hutcheson,	John Ryan,
B. E. Caudill,	Daniel James,	D. H. Severs,
A. H. Charlton,	W. W. Johnson,	S. H. Shouse,
R. F. Comer,	J. S. Joplin,	W. W. Stephenson,
L. J. Cox,	T. S. Kirk,	W. R. Stewart,
J. S. Cullen,	William Krieger,	J. R. Summers,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	Lewis E. Thomas,
J. E. Durham,	H. P. Lively,	J. R. Thomas,
D. B. Edmiston,	C. W. Mathers,	John M. Tinsley,
McD. Ferguson,	John S. May,	D. W. Tribble,
John Finn,	Hiram McElroy,	N. S. Walton,
George Will. Follis,	Harvey Myers,	Geo. E. Willett
Wm. Garrison.	Eli Nicholls,	John D. Woods—60.

In the negative—Ben F. Gardner.—1

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took up for consideration the unfinished business of yesterday, viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Mr. Frazee moved to amend section 38, by striking out of line 45 the words "second, third and fourth." Also strike out the words "or town," in line 45, and the words "or town," in line 49.

Said amendment was adopted.

Mr. Pettit moved to amend section 38, by inserting after the

word "dollars," in line 31, the words "which shall be placed to the credit of the school fund."

Said amendment was rejected.

Mr. Glenn moved to amend said section by inserting after the word "dollars," in line 31, the words "which shall be paid to the examiners."

Said amendment was adopted.

Mr. Hanks moved to amend said section by striking out of line 31 the words "three dollars," and inserting in lieu thereof the words "one dollar and fifty cents."

Said amendment was rejected.

Mr. W. H. May moved to amend said section by striking out all after the word "court," in line 45.

Said amendment was rejected.

Mr. Hutcheson moved to amend section 38 by striking out of line six the word "twenty-four," and insert in lieu thereof the word "twenty-one."

Said amendment was rejected.

Mr. Porter moved to amend section 38 by striking out of line 31 the words "three dollars," and insert in lieu thereof the words "two dollars."

Said amendment was adopted.

Said section, as amended, was adopted.

Section 39 was adopted without amendment.

Mr. Gardner moved to amend section 40 by adding thereto the following: "*Provided*, That in counties containing a city of the first class, maintaining a system of public schools separate and distinct from the common schools of the county, the county superintendent shall reside in the portion of the county outside of such city, and be elected by the qualified voters of said county residing outside of such city."

Said amendment was adopted.

Said section, as amended, was adopted.

Sections 41 and 42 were adopted without amendment.

Mr. Hay moved to amend section 43 by adding after the word "register," in line 28, these words: "If the boundary of the district is not written in trustees' register, or is not correctly given, he shall write it in said book himself."

Said amendment was adopted.

Mr. Hanks moved to amend section 43 by striking out of line 15 the words "and the cause of absence."

Said amendment was rejected.

Mr. Cullen moved to amend said section by adding thereto the following: "For willful failure to comply with the provisions of this section, he shall be fined not less than ten nor more than twenty-five dollars."

Said amendment was rejected.

Said section, as amended, was adopted.

Section 44 was adopted without amendment.

Mr. Hay moved to amend section 45 by striking out all after the word "schools," in line 5, down to the word "it," in line 9, and inserting in lieu thereof the words: "and shall report to the county judge the number and kind of books needed, when the county judge shall purchase the books and pay for them by an allowance made by the fiscal court, turn them over to the county superintendent, taking receipt for the number and value of the books; but the cost of said books shall not exceed in the aggregate one hundred dollars in any county per annum."

Said amendment was rejected.

Mr. Cullen moved to amend said section by striking out of lines 7 and 8 the words, "not to exceed in the aggregate one hundred dollars per annum."

Said amendment was adopted.

Mr. Gay moved to amend said section by striking out all after the word "children" in line nine.

Said amendment was rejected.

Said section, as amended, was adopted.

Sections 46 and 47 were adopted without amendment.

The amendment proposed by the committee to section 48 was read as follows:

Strike out "misdemeanor," in line eight, and insert "felony," and strike out "county jail," in line ten, and insert "penitentiary not less than one nor more than five years, and shall be removed from office."

Mr. Kirk moved to amend the committee's amendment by striking out the word "five," and inserting in lieu thereof the word "ten."

Said amendment was adopted.

Said section, as amended, was adopted.

The yeas and nays being required thereon by Messrs. Myers and Carroll, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	George Will. Follis,	C. W. Mathers,
W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
R. F. Bass,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	A. L. Harned,	A. T. Pullen,
B. T. Birkhead,	H. K. Hay,	John Ryan,
P. S. Bruner,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	W. W. Stephenson,
A. H. Charlton,	Daniel James,	J. R. Summers,
L. J. Cox,	W. W. Johnson,	John M. Tinsley,
J. M. Dawson, Jr.,	J. S. Joplin,	N. S. Walton,
J. E. Durham,	T. S. Kirk,	Geo. E. Willett,
D. B. Edmiston,	Lewis Y. Leavell,	John D. Woods—37.
John Finn,		

Those who voted in the negative, were—

B. F. Bennett,	Wm. Garrison,	W. F. Neat,
Polk Cansler,	U. G. Harlow,	Granville Philpot,
A. J. Carroll,	H. P. Lively,	C. D. Reed,
R. F. Comer,	John S. May,	W. R. Stewart,
W. J. Cox,	Harvey Myers,	D. W. Tribble—16.
J. S. Cullen,		

The amendment proposed by the committee to section 49, was to strike out of line 25 the word “ninety,” and insert the word “thirty.”

Said amendment was adopted.

Said section, as amended, was adopted.

Sections 50, 51, 52, 53, 54, 55, 56, 57 and 58 were adopted without amendment.

Mr. Garrison moved to amend section 59 by striking out of line five the word “ten,” and inserting in lieu thereof the word “eight.”

Said amendment was adopted.

Mr. Cullen moved to amend section 59 by striking out of line five the word “twenty,” and inserting in lieu thereof the word “fifteen.”

Said amendment was rejected.

Mr. Beard moved to amend said section by striking out all

after the word "county," in line three, down to the word "before," in line six.

Said amendment was rejected.

Mr. Myers moved to amend section 59 by adding after the word "superintendent," in line seven, the words "and from such other evidence as may be adduced."

Said amendment was adopted.

Said section, as amended, was adopted.

Sections 60 and 61 were adopted without amendment.

The hour of one o'clock having arrived, the House adjourned.

FRIDAY, MARCH 17, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayne, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	George Will. Follis,	Hiram McElroy,
W. W. Ayres,	Wm. Garrison,	W. F. Neat,
W. S. Bailey,	J. C. Glenn,	Eli Nicholls,
W. P. Beard,	Thos. H. Hanks,	J. A. Perkins,
B. F. Bennett,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
P. S. Bruner,	H. K. Hay,	A. T. Pullen,
Polk Cansler,	P. R. Hays,	C. D. Reed,
B. E. Caudill,	B. B. Hensley,	D. H. Severs,
A. H. Charlton,	F. W. Hutcheson,	S. H. Shouse,
F. P. Combest,	Daniel James,	W. W. Stephenson,
R. F. Comer,	W. W. Johnson,	W. R. Stewart,
L. J. Cox,	J. S. Joplin,	J. R. Summers,
W. J. Cox,	T. S. Kirk,	J. R. Thomas,
J. S. Cullen,	William Krieger,	John M. Tinsley,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	D. W. Tribble,
J. E. Durham,	H. P. Lively,	N. S. Walton,
D. B. Edmiston,	C. W. Mathers,	Geo. E. Willett,
John Finn,	John S. May,	John D. Woods—57.

The following members were absent, viz :

Lewis Alexander, Sr.,	S. M. Gough,	Thos. S. Pettit,
T. J. Arnett,	Geo. T. Halbert,	Granville Philpot,
Posey D. Ball,	R. K. Hart,	I. M. Quigley,
John Bartman,	W. J. Hissem,	R. E. Roberts,
John T. Bashaw,	Berry Howard,	John Ryan,
R. F. Bass,	R. M. Kincheloe,	Waller Sharp,
John Botts,	Henry Kremer,	Fenton Sims,
A. J. Carroll,	John M. Letterle,	C. C. Spalding,
Wesley Crow,	W. H. May,	Samuel O. Tate,
James R. Dean,	M. D. McInerney,	Lewis E. Thomas,
E. M. Dickson,	Harvey Myers,	J. H. Welch,
McD. Ferguson,	J. P. O'Meara,	H. P. Whitaker,
J. M. Frazee,	John Lee Payne,	B. F. Willett,
Ben. F. Gardner,	W. F. Peak,	R. B. Wilson—43.
J. P. Gay,		

The Journal of yesterday was approved.

Mr. Charlton moved the adoption of the following resolution, viz :

WHEREAS, Fifteen hundred and twenty-one years ago, on the seventeenth of March, the great patrón saint of Ireland died ; and whereas, his devoted followers have annually, wherever their lot in life has been cast, joined in celebrating St. Patrick's Day as a holiday in grateful commemoration of his illustrious achievements and irreproachable piety ; and whereas, hundreds of Irishmen now living at this, the Capital of our State, and who are valuable elements in our citizenship, will to-day remember with joyful and appropriate ceremonies this brightest of all epochs in the history of their race ; therefore, be it

Resolved by this House of Representatives, That when it adjourns to-day, it be in honor of the day and in accordance with the foregoing premises :

Saint Patrick wor an Oirishman
 An' ushed to Oirish ways,
 He c'ud shméke a dudheen
 An' drink dape of potheen,
 Or raise the loud keen
 Loike Oirishmen now-a-days.

Saint Patrick wor an Oirishman
 An' foine Oirish preacher too.
 He invinted th' wake,
 He druv out the shnake,
 An' an antidote did make
 Of Oirish mountain dew.

Saint Patrick wor an Oirishman,
Chief pathron of the sod.
Th' grane shamrock, triune,
He taught th' gossoon
Was Hivin's best boon,
Sint shtrate from th' Garden of God.

Saint Patrick wor an Oirishman,
He culdn't help that same.
An' th' Oirish'll alway
From Kerry to Galway,
In a large or a small way
Celebrate his fame.

Saint Patrick wor an Oirishman,
An' pious, too, by nature.
So let us honor the man
Th' very best we can,
Be we Celt or Kentuckian,
By adjourning th' Legislature.

Said resolution was adopted.

Mr. Walton introduced H. B. 489, entitled

A bill to appropriate money to reimburse A. L. Harned for money expended in his contest. Referred to the Committee on Claims.

The committees to whom the same had been referred reported the following bills, viz :

By Mr. Dawson, from the Committee on Federal Relations—

H. B. 487. A bill to provide each common school district in this Commonwealth with an American National Flag, and specifying when and where the same shall be used.

By Mr. O'Meara, from the Committee on Court of Appeals and Superior Court—

H. B. 488. A bill fixing the salary of the Judges of the Court of Appeals of Kentucky.

Said bills were severally read the first time, ordered to be printed, and read the second time on some other day.

A message was received from the Senate, announcing that they had passed bills, which originated in the House of Representatives, as follows, viz :

H. B. 404. An act to amend an act, entitled "An act to fix the

per diem of the employes of this General Assembly," approved January 5th, 1893 ;

H. B. 241. An act to protect citizens of this Commonwealth from empiricism ;

With an amendment to the last named bill,

That they had passed bills, which originated in the Senate, of the following titles, viz :

S. B. 214. An act concerning office and officer.

S. B. 219. An act concerning the General Assembly.

Ordered, That said last two named bills be referred to the Committee on General Statutes.

The House took from the orders of the day H. B. 241, entitled

A bill to protect citizens of this Commonwealth from empiricism,

Together with the amendment proposed thereto by the Senate.

Mr. Charlton moved that said bill and amendment be referred to the Committee on Public Health.

Said motion was adopted.

Mr. Woods read and laid on the table the following resolution, viz :

Resolved by the House, That, beginning with Monday, March 20th, afternoon sessions be held every legislative day, except on Saturdays, from 3 to 4:30 o'clock.

The House took up for consideration the unfinished business of yesterday, viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Mr. Nicholls moved to amend section 62 by striking out all after the word "persons," in line 2, down to and including the word "diplomas," in line 4.

Said amendment was adopted.

Section 62, as amended, was adopted.

The following substitute, proposed by the Committee on Education, for sections 63 and 64, was read, viz :

Amend article 6 by striking out sections 63 and 64, and insert the following :

§—. All publishers of text-books, other than those of immoral,

sectarian or sectional character, on studies embraced in the common school course, as prescribed by law, shall have the privilege of contracting with the Superintendent of Public Instruction to put their books in the schools of the several counties of Kentucky.

§—. It shall be the duty of the Superintendent of Public Instruction to notify the several publishers of school text-books in the United States that they have the right, on complying with the conditions of this act, to furnish their books for use in the common schools of Kentucky. They must first file with the Superintendent of Public Instruction a specimen copy of each book, and the lowest wholesale cash price thereof, and also the lowest wholesale cash price on a series of books, and also the lowest wholesale price they will furnish all the books used in the studies embraced in the common school course in one county or more; and said price shall not exceed seventy-five per cent. of the present wholesale published price list of said book or books; and they may add not more than twenty per cent. to pay the freight and local distribution; and the net wholesale price, with twenty per cent. added, shall be the Kentucky retail price of that book, and such price shall be marked in plain words and figures on the back of each book; and the Superintendent of Public Instruction shall contract with no publishing house or houses, or book company, nor consider their application, unless they declare in the contract, and be responsible for it on their bond, that they are furnishing their books to the several counties of Kentucky at no higher price than the lowest price charged for the same books, and furnished by them or their agents, to any other State or States.

§—. It shall be the duty of the Superintendent of Public Instruction to notify, by circular letter, every county superintendent in the State, giving the price of each book and series of books of each publisher or book company which has filed with him application to sell books in Kentucky; also the price at which such book or books will be furnished in exchange for those in use in the schools; and he may send to each county superintendent one specimen copy of all school books offered for acceptance: *Provided*, The same shall have been furnished him for such purpose by any publisher or their agents, free from any cost to the county or State. The State Superintendent shall give such other information as he may have regarding the mechanical quality, the comparative literary merits, and the adaptability of the books so furnished. It shall be the duty of each county superintendent to give all practicable currency to said circular letter by reading it before educational meetings, or publishing it in a local newspaper for the information of teachers, trustees and patrons of the school.

§—. The county board of examiners, the county judge and the county attorney, shall constitute the county school-book board. The county superintendent shall be chairman, and can

call a meeting at any time ; but the adoption of text-books must be done at a public meeting after due public notice has been given of such meeting of the board. The names of each member of the board, and the book or books each prefers, shall be set down in the county superintendent's record-book, and the book, or series of books that has the most preferences, shall be the text-books adopted for the common schools of the county ; a copy of this choice of text-books, as thus ascertained, and signed by the chairman and secretary of the board, shall be forwarded to the Superintendent of Public Instruction by the chairman, and the Superintendent of Public Instruction shall proceed immediately to close the contract with the publishers whose books have been adopted.

§ —. Each publisher or company whose books have been adopted shall, before the distribution of said books for use in the common schools, file with the Superintendent of Public Instruction a bond, with two resident freehold securities, in the penal sum of \$500 for supplying one county with books ; \$2,500 for more than one and less than ten counties ; \$5,000 for ten and less than twenty counties, and for twenty counties or more, \$10,000. These shall be the bonds when one company or publishing house furnishes all of the text-books used in the common schools of the county or counties in teaching all the branches prescribed by the common school law ; and a proportionally less bond shall be required of publishing houses furnishing one or more books on the subjects prescribed by the common school law to be taught. The publishers may, in lieu, deposit in the State Treasury the amount required in interest-bearing bonds, the interest accruing on the same to be paid over to the depositor. These obligations and bonds shall be held payable to the state of Kentucky, conditioned upon the faithful performance of the contract and agreement made in pursuance of this act. Upon a breach of any of the conditions of such bond the Superintendent of Public Instruction shall, in the name of the State, institute suit thereon to recover the same. All money so recovered, after the payment of the cost of proceedings, shall be paid into the common school fund, and be disbursed as a part thereof, as provided by law. The publishers shall also agree to give to the several counties using their text-books under this act the revisions, new editions or other improvements which may be made in any or all the text-books furnished under the provisions of this act, without any increase in the price of said text-books. The county school-book board shall not accept such revisions, if it is to involve additional expense to patrons, or the multiplying of classes. The publishers shall agree in said contract to send, by mail or express, prepaid, to all trustees, teachers, patrons and pupils of the common schools, copies of said text-books upon receipt of the Kentucky retail price thereof.

§ —. It shall be the duty of publishing houses so contracting to sell to the local dealers at the wholesale price upon receipt of

the money. Any dealer or agent who shall charge any teacher or patron or pupil of a common school a sum greater than the Kentucky retail price, as marked on the back of the book, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars and not more than twenty dollars for each offense. Any teacher of a common school who shall displace from such school any text-book which has been contracted for under the provisions of this act, and which has been adopted for use in the county wherein said school is taught, and shall use instead of such text-book any other text-book not so contracted for, or not so adopted, shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit his or her certificate to teach, and for each offense shall be fined not less than ten dollars and not more than twenty dollars. The said text-books furnished shall be equal in paper, typography, binding and composition, and in every other respect, to sample copies filed with the Superintendent of Public Instruction, and upon which the contract was made.

§—. If any publisher or book company, whose books have been adopted, shall fail or refuse to enter into contract, the Superintendent shall declare the adoption void, and shall so notify the county superintendent, and he shall call another meeting of the county school-book board, and select other books. These adoptions of text-books and contracts of the Superintendent of Public Instruction shall be of binding force for a period of four years.

§—. Any member of the county, city or town school-book board, who shall receive any money, or any other thing of value, for his vote of preference in the selection of text-books, shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit his office and his certificate to teach, and be fined not less than fifty dollars, nor more than five hundred dollars. Any person or publisher, or book company, who, through agents or otherwise, shall give, or attempt to give, any money, or other thing of value, to any member of the county school-book board, calculated to influence his preference in the choice of text-books, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars. The punishment shall be either fine or imprisonment, or both.

§—. It shall be the duty of a county superintendent knowing of any violation of this act by dealers, teachers, publishers, or their agents, to report the same to the county attorney, who shall prosecute such dealers, teachers, publishers, their agents, or any other person, in any court of competent jurisdiction in the county in which such violation may occur. All laws in conflict with this act are hereby repealed: *Provided*, That this act is not to affect, modify or repeal any local or special law which establishes any city or town in one district; but the same shall be governed in all respects by the local laws and authorities, and it shall in

nowise affect the charter and amendments thereto of any city or town in this Commonwealth, so far as said charter and amendments relate to the public schools of said cities and towns; nor shall this act affect, modify or repeal any local or special laws now in force for the benefit of any school, high school, seminary, college or other institution of learning in this State.

§ —. That nothing contained in the bill shall interfere with the books now used by the public schools for the present year.

Mr. Kirk moved to amend the original section, 63, by striking out all after the word "county," in line 29.

Said amendment was adopted.

Mr Charlton moved to amend the committee's substitute by striking out of the last line of the last proposed section the words "the present year," and inserting in lieu thereof the words "the period for which they were adopted."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Charlton and Severs, were as follows, viz:

Those who voted in the affirmative, were—

W. W. Ayres,	A. H. Charlton,	Harvey Myers,
W. S. Bailey,	W. J. Cox,	J. A. Perkins,
Posey D. Ball,	Ben. F. Gardner,	A. T. Pullen,
John Bartman,	F. W. Hutcheson,	D. H. Severs,
Polk Cansler,	William Krieger,	Geo. E. Willett—16.
A. J. Carroll,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. C. Glenn,	Eli Nicholls,
W. P. Beard,	Thos. H. Hanks,	J. P. O'Meara,
B. F. Bennett,	A. L. Harned,	J. F. Porter,
B. T. Birkhead,	H. K. Hay,	E. M. Pryse,
P. S. Bruner,	P. R. Hays,	I. M. Quigley,
B. E. Caudill,	Daniel James,	C. D. Reed,
F. P. Combest,	W. W. Johnson,	S. H. Shouse,
J. S. Cullen,	J. S. Joplin,	W. W. Stephenson,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	W. R. Stewart,
J. E. Durham,	H. P. Lively,	J. R. Summers,
D. B. Edmiston,	C. W. Mathers,	J. R. Thomas,
John Finn,	John S. May,	John M. Tinsley,
George Will. Follis,	Hiram McElroy,	D. W. Tribble,
Wm. Garrison,	W. F. Neat,	N. S. Walton—42.

Mr. Hanks moved to amend the committee's substitute by

striking out the words "and they may add not more than twenty per cent. to pay freight and local distribution."

Said amendment was adopted.

Mr. Kirk moved to amend the committee's substitute by striking out the words "shall forfeit his or her certificate to teach and."

Said amendment was adopted.

The substitute proposed by the committee, as amended, was then adopted.

The yeas and nays being required thereon by Messrs. Myers and Bailey, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. C. Glenn,	J. P. O'Meara,
W. W. Ayres,	Thos. H. Hanks,	J. A. Perkins.
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
P. S. Bruner,	H. K. Hay,	I. M. Quigley,
Polk Cansler,	P. R. Hays,	C. D. Reed,
B. E. Caudill,	Daniel James,	S. H. Shouse,
R. F. Comer,	W. W. Johnson,	W. W. Stephenson,
W. J. Cox,	J. S. Joplin,	W. R. Stewart,
J. S. Cullen,	Lewis Y. Leavell,	J. R. Summers,
J. M. Dawson, Jr.,	H. P. Lively,	J. R. Thomas,
J. E. Durham,	C. W. Mathers,	John M. Tinsley,
D. B. Edmiston,	Hiram McElroy,	N. S. Walton,
John Finn,	W. F. Neat,	Geo. E. Willett
George Will. Follis,	Eli Nicholls,	John D. Woods—46.
Wm. Garrison,		

Those who voted in the negative, were—

W. S. Bailey,	A. H. Charlton,	John S. May,
Posey D. Ball,	F. P. Combest,	Harvey Myers,
John Bartman,	Ben. F. Gardner,	E. M. Pryse,
B. F. Bennett,	F. W. Hutcheson,	D. H. Severs—14.
A. J. Carroll,	T. S. Kirk,	

Mr. Porter moved to amend section 65 by striking out of line 65 the word "other."

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Myers moved an amendment to section 66, as follows:

Add after the word "offense," in line 12, the words "and

shall be confined in the penitentiary not less than one nor more than three years, and be deemed forever infamous."

Said amendment was rejected.

Said section was adopted.

Mr. Walton moved to amend said bill by striking out sections 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79.

Said amendment was adopted.

And then the House adjourned.

SATURDAY, MARCH 18, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayney, of the Presbyterian Church.

Mr. Woods, as Speaker *pro tem.*, in the chair.

Upon a call of the roll, the following members answered to their names, viz :

W. W. Ayres,	Geo. T. Halbert,	Eli Nicholls,
W. S. Bailey,	Thos. H. Hanks,	J. A. Perkins,
W. P. Beard,	U. G. Harlow,	Thos. S. Pettit,
B. T. Birkhead,	A. L. Harned,	J. F. Porter,
P. S. Bruner,	H. K. Hay,	A. T. Pullen,
B. E. Caudill,	P. R. Hays,	C. D. Reed,
R. F. Comer,	B. B. Hensley,	D. H. Severs,
L. J. Cox,	F. W. Hutcheson,	S. H. Shouse,
W. J. Cox,	Daniel James,	W. R. Stewart,
J. S. Cullen,	J. S. Joplin,	J. R. Summers,
J. M. Dawson, Jr.,	T. S. Kirk,	Lewis E. Thomas,
J. E. Durham,	William Krieger,	J. R. Thomas,
McD. Ferguson,	Lewis Y. Leavell,	John M. Tinsley,
John Finn,	H. P. Lively,	D. W. Tribble,
George Will. Follis,	C. W. Mathers,	N. S. Walton,
J. M. Frazee,	John S. May,	Geo. E. Willett
Wm. Garrison,	W. F. Neat,	John D. Woods—52.
J. C. Glenn,		

The following members were absent, viz :

Mr. Speaker (Moore),	D. B. Edmiston,	John Lee Payne,
Lewis Alexander, Sr.,	Ben. F. Gardner,	W. F. Peak,

T. J. Arnett,	J. P. Gay,	Granville Philpot,
Posey D. Ball,	S. M. Gough,	E. M. Pryse,
John Bartman,	R. K. Hart,	I. M. Quigley,
John T. Bashaw,	W. J. Hissem,	R. E. Roberts,
R. F. Bass,	Berry Howard,	John Ryan,
B. F. Bennett,	W. W. Johnson,	Waller Sharp,
John Botts,	R. M. Kincheloe,	Fenton Sims,
Polk Cansler,	Henry Kremer,	C. C. Spalding,
A. J. Carroll,	John M. Letterle,	W. W. Stephenson,
A. H. Charlton,	W. H. May,	Samuel O. Tate,
F. P. Combest,	Hiram McElroy,	J. H. Welch,
Wesley Crow,	M. D. McInerney	H. P. Whitaker,
James R. Dean,	Harvey Myers,	B. F. Willett,
E. M. Dickson,	J. P. O'Meara,	R. B. Wilson—48.

The Journal of yesterday was approved.

Mr. Woods moved the adoption of the following resolution, viz:

WHEREAS, The sorrowful intelligence has reached this body that the shadow of death rests in the home of our honored and sincerely esteemed associate and friend, Hon. Lewis Alexander, Sr., of the county of Owen ; therefore, be it

Resolved by the House, That in the overwhelming bereavement which has fallen across the pathway of our colleague, in the removal from his companionship and from earth of his beloved wife, we desire to place upon record expressions of our profoundest sorrow over the dreadful calamity, and of our sincerest sympathy for our esteemed associate in the irreparable loss he has been called upon, in the providence of God, to bear.

Resolved, That a copy of these resolutions be spread upon the Journal, and as a further token of our respect and sorrow for our colleague and friend, the House shall stand adjourned at 12 M. to-day.

Said resolution was unanimously adopted by a rising vote.

Indefinite leave of absence was granted Mr. Cansler.

Mr. Mathers moved that the Speaker be authorized to designate three members of the Committee on Charitable Institutions as a sub committee to visit the Central Lufatic Asylum and investigate the necessity for the improvements asked to be made at said institution.

Said motion was adopted.

Whereupon the Speaker appointed Messrs. Mathers, Durham and Beard as said sub-committee.

The Speaker laid before the House the following communication, viz :

OFFICE AUDITOR PUBLIC ACCOUNTS,
FRANKFORT, MARCH 16, 1893. }

HON. W. M. MOORE, *Speaker of the House of Representatives*:

SIR: In response to a House resolution of recent date, we beg to say that earlier attention thereto has been prevented by a press of other official business.

It is the desire of the Board to faithfully execute the law governing their duties. Under the provisions of said act, the Auditor has sent out to all the principal corporations of the State, such as banks and trust companies, water, gas, street railway, telegraph, telephone, express, and other like companies, blanks on which to report their franchises for taxation, and have received from most of these proper returns.

No data is obtainable by the Board for a complete list of all corporations in the State; but this will, in a measure, be remedied by the adoption of the corporation law.

We are advised by the Attorney-General that it is probable that a certain class of corporations, formed under chapter 56 of the General Statutes, will be found not to be included by the provisions of the revenue law relating to franchise tax, by reason of the fact that it may be made to appear that they do not enjoy any privilege denied by existing laws to individuals. So far, no reports have been required from these latter corporations, owing to a want of information concerning them, and the absence of any authority in the law by which it could be obtained; and because of the doubt existing as to their liability to make such reports.

It is respectfully suggested that, upon the adoption of the corporation law making it possible to secure a complete list of all the corporations of the State, with a proper knowledge of their corporate powers and privileges, these difficulties can all be adjusted and the full benefit of the law obtained.

Very respectfully,

L. C. NORMAN.

H. S. HALE, *Treasurer*.

J. W. HEADLEY, *Secretary of State*.

A message was received from the Senate, announcing that they had passed H. B. 227, entitled

An act to amend section 203 of the Criminal Code of Practice,
With an amendment proposed thereto by the Senate.

That they had passed bills, which originated in the Senate, of the following titles, viz :

S. B. 216. An act for the government of cities of the first class.

S. B. 217. An act for the government of cities of the sixth class.

Ordered, That the last two named bills be referred to the Committee on Municipalities.

Mr. Harlow moved the adoption of the following resolution, viz :

Be it resolved by the House of Representatives of the Commonwealth of Kentucky: 1. The superintendent of the school for feeble-minded children is asked to give this House, at his earliest convenience, the following information : (1.) To give the total number of inmates in the school, those reported to the Auditor and those kept in the institution not reported to the Auditor. (2.) The number of pay pupils who reside in the State, and then those residing out of the State. (3.) The number of inmates under his care twenty-one years of age and over. (4.) The number who have been inmates of the school for five years and longer, and give the length of time they have been there. (5.) The number of children who have sufficient mind to acquire a "common school" education in the common schools of their counties, if kept in school during the ten months as allowed by our school law, if proper pains be taken with them. (6.) How many inmates have you who can not be made self-supporting if kept and taught in this school for five years from time of admission? (7.) How many boys and girls, or what per cent. have been made self-supporting who have gone from your school? In what avocations in life have they been most successful.

Said resolution was adopted.

The House took up for consideration the unfinished business of yesterday :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Section 80 was adopted without amendment.

Mr. Glenn moved to amend section 81 by inserting after the

word "limits," in line eleven, the words "or has an area of less than ten square miles."

Said amendment was rejected.

Mr. Quigley moved to amend section 81 by striking out all after the word "emergency," in line six, down to the word "no," in line nine.

Said amendment was adopted.

Mr. Garrison moved to amend section 81 by inserting the word "incorporated" before the word "village," in line eleven.

Said amendment was adopted.

Said section, as amended, was adopted.

Section 82 was adopted without amendment.

Mr. Cullen moved to amend section 83 by adding thereto the following: "Provided a school-house has not been built in such district or districts, and the reclaiming of such fractional district or districts would not necessitate the abandonment of such districts."

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Cullen moved to amend section 84 as follows:

Amend section 84 by striking out all after the word "them," in the third line, and substituting the following: "Or for any other reason satisfactory to the county superintendent, which reason shall be submitted to him in writing by the parent or guardian of the child or children desiring such change. Should the superintendent assent to such transfer, he shall notify the trustees of such adjoining districts of such change, and the child or children shall be allowed all the privileges of the school at which they desire to attend as though they had been enumerated in the district to which they have been transferred. No change shall be construed to allow them the privileges of such school for more than one term."

Said amendment was rejected.

Sections 84, 85 and 86 were adopted without amendment.

Mr. Cullen moved to amend section 87 by adding after the word "notice," in line 31, these words:

"The board of trustees, after the election of a new trustee, may select one of their number to be chairman, who shall, as soon as practicable, notify the county superintendent of his selection as chairman. Should no one of their number be selected as chairman, then," etc.

Said amendment was rejected.

Mr. Harned moved to amend section 87 by striking out of line 9 these words: "and if no school house be in the district," and insert in lieu thereof the word "or,"

Said amendment was rejected.

Mr. Glenn moved to amend said section by striking out of line 11 the word "May," and inserting in lieu thereof the word "June."

Said amendment was adopted.

The amendment proposed to section 87 by the committee was adopted.

Said section, as amended, was adopted.

Mr. Kirk moved to reconsider the vote by which the amendment proposed by Mr. Garrison to section 81 was adopted.

Pending the discussion of said motion, the hour of 12 o'clock M. arrived,

And then the House adjourned.

MONDAY, MARCH 20, 1893.

The House was opened with prayer by Rev. Jacob Ditzler, of Missouri.

Mr. Woods, Speaker *pro tem.*, in the chair.

Upon a call of the roll, the following members were present, viz:

W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
Posey D. Ball,	Geo. T. Halbert,	W. F. Peak,
R. F. Bass,	U. G. Harlow,	J. A. Perkins,
W. P. Beard,	H. K. Hay,	Thos. S. Pettit,
B. T. Birkhead,	P. R. Hays,	J. F. Porter,
John Botts,	B. B. Hensley,	A. T. Pullen,
P. S. Bruner,	F. W. Hutcheson,	C. D. Reed,
B. E. Caudill,	Daniel James,	John Ryan,
R. F. Comer,	W. W. Johnson,	D. H. Severs,
L. J. Cox,	J. S. Joplin,	S. H. Shouse,

W. J. Cox,	R. M. Kincheloe,	C. C. Spalding,
J. S. Cullen,	T. S. Kirk,	W. R. Stewart,
J. M. Dawson, Jr.,	Henry Kremer,	J. R. Summers,
J. E. Durham,	Lewis Y. Leavell,	J. R. Thomas,
McD. Ferguson,	C. W. Mathers,	John M. Tinsley,
John Finn,	W. H. May,	N. S. Walton,
George Will. Follis,	John S. May,	Geo. E. Willett,
J. M. Frazee,	W. F. Neat,	John D. Woods—55.
Wm. Garrison,		

The following members were absent, viz :

Mr. Speaker (Moore),	Ben. F. Gardner,	John Lee Payne,
Lewis Alexander, Sr.,	J. P. Gay,	Granville Philpot,
T. J. Arnett,	S. M. Gough,	E. M. Pryse,
W. S. Bailey,	Thos. H. Hanks,	I. M. Quigley,
John Bartman,	A. L. Harned,	R. E. Roberts,
John T. Bashaw,	R. K. Hart,	Waller Sharp,
B. F. Bennett,	W. J. Hissem,	Fenton Sims,
Polk Cansler,	Berry Howard,	W. W. Stephenson,
A. J. Carroll,	William Krieger,	Samuel O. Tate,
A. H. Charlton,	John M. Letterle,	Lewis E. Thomas,
F. P. Combest,	H. P. Lively,	D. W. Tribble,
Wesley Crow,	Hiram McElroy,	J. H. Welch,
James R. Dean,	M. D. McInerney,	H. P. Whitaker,
E. M. Dickson,	Harvey Myers,	B. F. Willett,
D. B. Edmiston,	J. P. O'Meara,	R. B. Wilson—45.

The Journal of yesterday was approved.

Leave of absence, indefinitely, was granted to Messrs. Gay, Lively and Tribble.

Mr. Stewart, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 404. An act to amend an act, entitled "An act to fix the per diem of the employes of this General Assembly," approved January 5, 1893 ;

H. B. 449. An act to repeal an act, entitled "An act to establish a public graded school in common school district No. 7, in Johnson county," approved March 19, 1888 ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then severally read at length and compared,

and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time said Enrolling Clerk reported that he had performed that duty, and delivered the enrolled and original bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. Kremer, from the Committee on Municipalities, reported the following bills, viz :

S. B 216. An act for the government of cities of the first class.

S. B. 217. An act for the government of towns of the sixth class.

Said bills were read the first time.

Ordered, That said bills be printed, and recommitted to the Committee on Municipalities.

Mr. Halbert, from the Committee on General Statutes, reported a bill, entitled

S. B. 211. An act concerning the office of constable.

Ordered, That said bill be printed, and read a second time on another day.

Mr. Woods introduced the following bill, entitled

H. B 490. A bill to appropriate money for building or repairing shops in the State prison in the city of Frankfort, providing for the execution of the work.

Said bill was referred to the Committee on State Prisons and House of Reform.

A message was received from the Senate, announcing that they had disagreed to a bill, entitled

H. B. 275. An act regulating the salary of the Register of the Land Office, and fixing the fees of said office.

The House took from the orders of the day bills of the following titles.

S. B. 205. An act concerning jailers.

S. B. 213. An act relating to evidence.

Said bills were read a second time.

The House took up for consideration the unfinished business of Saturday, entitled

S. A. 42. An act to provide an efficient system of common schools throughout the State.

Mr. Kirk moved to reconsider the vote by which section 81 was adopted.

Said motion was adopted.

Mr. Kirk moved to reconsider the vote by which the amendment proposed by Mr. Garrison to section 81 was adopted.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Kirk and Severs, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	P. R. Hays,	W. F. Peak,
R. F. Bass,	B. B. Hensley,	J. A. Perkins,
B. T. Birkhead,	F. W. Hutcheson,	Thos. S. Pettit,
John Botts,	Daniel James,	A. T. Pullen,
P. S. Bruner,	W. W. Johnson,	I. M. Quigley,
B. E. Caudill,	J. S. Joplin,	C. D. Reed,
R. F. Comer,	R. M. Kincheloe,	R. E. Roberts,
W. J. Cox,	T. S. Kirk,	John Ryan,
J. S. Cullen,	Henry Kremer,	D. H. Severs,
J. E. Durham,	Lewis Y. Leavell,	S. H. Shouse,
McD. Ferguson,	C. W. Mathers,	C. C. Spalding,
John Finn,	W. H. May,	W. R. Stewart,
George Will Follis,	John S. May,	J. R. Thomas,
J. M. Frazee,	W. F. Neat,	John M. Tinsley,
J. C. Glenn,	Eli Nicholls,	N. S. Walton,
U. G. Harlow,	J. P. O'Meara,	Geo. E. Willett—49.
H. K. Hay,		

Those who voted in the negative, were—

W. P. Beard,	Geo. T. Halbert,	J. F. Porter,
J. M. Dawson, Jr.,	Thos. H. Hanks,	John D. Woods—6.

Mr. Quigley moved to reconsider the vote by which section 87 was adopted.

Said motion was adopted.

And then the House adjourned.

TUESDAY, MARCH 21, 1893.

The House was opened with prayer by Elder Geo. Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	George Will. Follis,	W. F. Neat,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
W. S. Bailey,	Wm. Garrison,	W. F. Peak,
John T. Bashaw,	J. C. Glenn,	J. A. Perkins,
R. F. Bass,	Geo. T. Halbert,	Thos. S. Pettit,
W. P. Beard,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
John Botts,	H. K. Hay,	C. D. Reed,
P. S. Bruner,	P. R. Hays,	John Ryan,
B. E. Caudill,	B. B. Hensley,	D. H. Severs,
F. P. Combest,	F. W. Hutcheson,	S. H. Shouse,
R. F. Comer,	W. W. Johnson,	W. R. Stewart,
L. J. Cox,	J. S. Joplin,	J. R. Summers,
W. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
J. S. Cullen,	T. S. Kirk,	J. R. Thomas,
J. M. Dawson, Jr.,	Henry Kremer,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	N. S. Walton,
McD. Ferguson,	C. W. Mathers,	Geo. E. Willett,
John Finn,	John S. May,	John D. Woods—57.

The following members were absent, viz :

Lewis Alexander, Sr.,	A. L. Harnéd,	Granville Philpot,
T. J. Arnett,	R. K. Hart,	E. M. Pryse,
Posey D. Ball,	W. J. Hissem,	I. M. Quigley,
John Bartman,	Berry Howard,	R. E. Roberts,
B. F. Bennett,	Daniel James,	Waller Sharp,
Polk Cansler,	William Krieger,	Fenton Sims,
A. J. Carroll,	John M. Letterle,	C. C. Spalding,
A. H. Charlton,	H. P. Lively,	W. W. Stephenson,
Wesley Crow,	W. H. May,	Samuel O. Tate,
James R. Dean,	Hiram McElroy,	D. W. Tribble,
E. M. Dickson,	M. D. McInerney,	J. H. Welch,
D. B. Edmiston,	Harvey Myers,	H. P. Whitaker,
Ben. F. Gardner,	J. P. O'Meara,	B. F. Willett,
J. P. Gay,	John Lee Payne,	R. B. Wilson—43.
S. M. Gough,		

The Journal of yesterday was approved.

Mr. Johnson, from the Committee on Public Health, reported H. B. 241, entitled

An act to protect citizens of this Commonwealth from empiricism,

With sundry amendments proposed thereto by the Senate,

With the expression of opinion that said amendments should be concurred in and said bill passed.

Said amendments were concurred in.

So said bill was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative. were—

Mr. Speaker (Moore),	George Will. Follis,	M. D. McInerney,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
W. S. Bailey,	Wm. Garrison,	J. P. O'Meara,
John Bartman,	Ben. F. Gardner,	W. F. Peak,
R. F. Bass,	J. C. Glenn,	J. F. Porter,
W. P. Beard,	Geo. T. Halbert,	A. T. Pullen,
B. T. Birkhead,	U. G. Harlow,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	R. E. Roberts,
A. J. Carroll,	P. R. Hays,	John Ryan,
B. E. Caudill,	B. B. Hensley,	D. H. Severs,
F. P. Combest,	F. W. Hutcheson,	S. H. Shouse,
R. F. Comer,	Daniel James,	W. R. Stewart,
L. J. Cox,	W. W. Johnson,	J. R. Summers,
W. J. Cox,	J. S. Joplin,	Lewis E. Thomas,
J. S. Cullen,	T. S. Kirk,	J. R. Thomas,
J. M. Dawson, Jr.,	Henry Kremer,	Geo. E. Willett,
J. E. Durham,	Lewis Y. Leavell,	John D. Woods—52.
John Finn,		

Those who voted in the negative, were—

Thos. H. Hanks, John M. Tinsley—2.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Gardner, from the Committee on Circuit Courts, reported S. B. 126, entitled

An act concerning juries, and entitled "Juries,"

With a substitute proposed therefor by the committee.

Said bill was read the first time, ordered to be printed, to—

gether with the substitute, and read the second time on some other day.

Mr. Gardner, from the Committee on Circuit Courts, reported H. B. 458, entitled

A bill creating the office of circuit court stenographer, and providing for salary thereof,

With a substitute proposed therefor by the committee.

Said bill was read the first time, ordered to be printed, together with the substitute, and read the second time on some other day.

The House took from the orders of the day S. B. 71, entitled An act providing for actions in certain cases,

Together with sundry amendments proposed thereto by the House.

Mr. Pettit moved to refer said bill to the Committee on General Statutes.

Said motion was adopted.

The House took from the orders of the day H. B. 422, entitled

An act permitting the court of claims or fiscal courts of this Commonwealth to appropriate certain funds belonging to the counties or districts thereof in aid of the construction or repair of turnpikes in said counties,

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	Wm. Garrison,	W. F. Neat,
W. W. Ayres,	Ben. F. Gardner,	Eli Nicholls,
W. S. Bailey,	J. P. Gay,	J. P. O'Meara,
John Bartman,	J. C. Glenn,	W. F. Peak,
John T. Bashaw,	Geo. T. Halbert,	J. A. Perkins,
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	H. K. Hay,	A. T. Pullen,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	R. E. Roberts,
A. J. Carroll,	F. W. Hutcheson,	John Ryan,

B. E. Caudill,	Daniel James,	D. H. Severs,
F. P. Combest,	W. W. Johnson,	S. H. Shouse,
L. J. Cox,	J. S. Joplin,	W. R. Stewart,
W. J. Cox,	T. S. Kirk,	J. R. Summers,
J. S. Cullen,	Henry Kremer,	John M. Tinsley,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	N. S. Walton,
J. E. Durham,	John S. May,	J. H. Welch,
John Finn,	M. D. McInerney,	John D. Woods—58.
J. M. Frazee,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate announcing, that they had passed bills, which originated in the Senate, as follows :

1. S. B. 210. An act for the government of cities of the third class.

2. S. B. 228. An act to amend an act, entitled “An act creating fiscal courts in the several counties of this Commonwealth,” approved October 17th, 1892.

Ordered, That said bills be referred as follows—the 1st to the Committee on County and City Courts ; the second to the Committee on Municipalities.

The Speaker laid before the House the following communication from the Auditor of Public Accounts :

COMMONWEALTH OF KENTUCKY,
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,
FRANKFORT, March 20, 1893. }

HON. W. M. MOORE, *Speaker of the House of Representatives* :

SIR : In response to House resolution of March 11, 1893, I beg to hand you herewith a statement of the amounts still claimed to be due by the merchants of Frankfort on account of supplies furnished State Guard at Camp Buckner in August and September, 1891, as far as I can learn.

Very respectfully,

L. C. NORMAN, *Auditor*.

W. T. Gaines & Son, livery	\$10 50
Frank Kennedy, ice chest	10 00
W. L. Pence, lumber	671 26
Henry Gobber, nails and buckets	18 15
Dehoney & Graham, camp furniture	65 40

Weitzel & O'Donnell, towels, etc.	\$6 95
Frank S. Haff, ice.	55 65
Charles Nelson, milk barrels	4 00
G. L. Hannen & Co., hardware.	6 00
N. I. McDaniel, feeding horses	27 00
Wm. Quarles, milk and butter	53 90
L. & N. R. R. bridge	66 40
Meagher & Marshall, time orders.	136 50
D. L. Haly, groceries, hardware, etc..	860 15
Total	<u>\$1,991 86</u>

Ordered, That the same be referred to the Committee on Claims.

Mr. O'Meara, from the Committee of Conference appointed by the two Houses to take into consideration the differences as to S. B. 75, submitted the following report in writing, viz :

To the House of Representatives :

The undersigned Committee of Conference, appointed for the purpose of taking into consideration the differences of the two Houses of the General Assembly in relation to Senate Bill No. 75, entitled "An act relating to claims upon the Treasury," would respectfully report and recommend as follows, viz :

That the House recede from its amendments Nos. 1 and 3 to said bill.

And that the Senate concur in House amendment No. 4 to said bill.

Respectfully submitted

House Committee.

Senate Committee.

J. P. O'MEARA, *Ch'n.*

R. J. BRECKINRIDGE, *Ch'n.*

H. K. HAY,

W. H. ANDERSON.

W. S. BAILEY.

Said report was adopted.

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	George Will. Follis,	M. D. McInerney,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
W. S. Bailey,	Wm. Garrison.	J. P. O'Meara,

Posey D. Ball,	Ben. F. Gardner,	Thos. S. Pettit,
John Bartman,	J. P. Gay,	J. F. Porter,
R. F. Bass,	J. C. Glenn,	I. M. Quigley,
W. P. Beard,	U. G. Harlow,	C. D. Reed,
B. T. Birkhead,	H. K. Hay,	John Ryan,
John Botts,	P. R. Hays,	D. H. Severs,
A. J. Carroll,	B. B. Hensley,	S. H. Shouse,
R. F. Comer,	Daniel James,	W. R. Stewart,
L. J. Cox,	W. W. Johnson,	J. R. Summers,
W. J. Cox,	J. S. Joplin,	Lewis E. Thomas,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,
J. M. Dawson, Jr.,	Henry Kremer,	N. S. Walton,
McD. Ferguson,	Lewis Y. Leavell,	Geo. E. Willett
John Finn,	C. W. Mathers,	John D. Woods—51.

Those who voted in the negative, were—

J. E. Durham,	F. W. Hutcheson,	W. F. Peak,
Geo. T. Halbert,	John S. May,	A. T. Pullen,
Thos. H. Hanks,	W. F. Neat,	John M. Tinsley—9.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hay moved that when the House adjourns to-day at one o'clock, it be to meet at three o'clock for the purpose of continuing the consideration of S. B. 42, entitled

An act to provide for an efficient system of common schools throughout the State.

Said motion was adopted.

The House took from the orders of the day H. B. 469, entitled
An act concerning the seal of the Commonwealth, and the seal of the Secretary of State,

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	J. M. Frazee,	W. F. Neat,
W. S. Bailey,	Ben. F. Gardner,	Eli Nicholls,
Posey D. Ball,	J. P. Gay,	W. F. Peak,
John Bartman,	J. C. Glenn,	Thos. S. Pettit,

R. F. Bass,	Geo. T. Halbert,	J. F. Porter,
W. P. Beard,	Thos. H. Hanks,	A. T. Pullen,
B. T. Birkhead,	U. G. Harlow,	I. M. Quigley,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	R. E. Roberts,
B. E. Caudill,	F. W. Hutcheson,	John Ryan,
F. P. Combest,	Daniel James,	D. H. Severs,
R. F. Comer,	J. S. Joplin,	S. H. Shouse,
L. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	Henry Kremer,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	N. S. Walton,
McD. Ferguson,	C. W. Mathers,	Geo. E. Willett,
John Finn,	M. D. McInerney,	John D. Woods—55.
George Will. Follis,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 461, entitled
An act concerning the Secretary of State,

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	George Will. Follis,	Eli Nicholls,
W. S. Bailey,	J. M. Frazee,	J. P. O'Meara,
John Bartman,	Wm. Garrison,	W. F. Peak,
John T. Bashaw,	Ben. F. Gardner,	Thos. S. Pettit,
R. F. Bass,	J. C. Glenn,	J. F. Porter,
W. P. Beard,	Geo. T. Halbert,	A. T. Pullen,
B. T. Birkhead,	Thos. H. Hanks,	I. M. Quigley,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	John Ryan,
A. J. Carroll,	F. W. Hutcheson,	D. H. Severs,
B. E. Caudill,	Daniel James,	S. H. Shouse,
R. F. Comer,	J. S. Joplin,	J. R. Summers,
L. J. Cox,	R. M. Kincheloe,	John M. Tinsley,
J. S. Cullen,	T. S. Kirk,	N. S. Walton,
J. M. Dawson, Jr.,	Henry Kremer,	J. H. Welch,
J. E. Durham,	Lewis Y. Leavell,	Geo. E. Willett,
McD. Ferguson,	M. D. McInerney,	John D. Woods—53.
John Finn,	W. F. Neat,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day S. B. 103, entitled
An act relating to fees.

Mr. Gardner moved to postpone the further consideration of said bill until to-morrow at 11 o'clock A. M., and that the same be made a special order for that hour.

Said motion was adopted.

The House took up for consideration the unfinished business of yesterday, viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Mr. Bashaw moved to amend section 88 by inserting after the word "person," and before the word "who," in line six, the words "elected, or."

Said amendment was adopted.

Said section, as amended, was adopted.

Sections 89 and 90 were adopted without amendment.

Mr. Hanks moved to amend section 91 by striking out of line five the words "especially by the trustees and superintendent."

Said amendment was rejected.

Said section was adopted.

Mr. Hanks moved to amend section 92 by striking out all of said section after the word "school-house," in line 34.

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Ferguson and Birkhead, were as follows, viz :

Those who voted in the affirmative, were—

John Bartman,	L. J. Cox,	Lewis Y. Leavell,
John T. Bashaw,	W. J. Cox,	C. W. Mathers,
R. F. Bass,	J. M. Dawson, Jr.,	I. M. Quigley,
W. P. Beard,	Thos. H. Hanks,	C. D. Reed,
John Botts,	F. W. Hutcheson,	S. H. Shouse,
P. S. Bruner,	Daniel James,	W. R. Stewart,
B. E. Caudill,	T. S. Kirk,	John M. Tinsley—21.

Those who voted in the negative, were—

W. S. Bailey,	Ben. F. Gardner,	J. A. Perkins,
B. T. Birkhead,	J. C. Glenn,	Thos. S. Pettit,

F. P. Combest,	Geo. T. Halbert,	J. F. Porter,
R. F. Comer,	H. K. Hay,	A. T. Pullen,
J. S. Cullen,	P. R. Hays,	John Ryan,
J. E. Durham,	W. W. Johnson,	D. H. Severs,
McD. Ferguson,	J. S. Joplin,	J. R. Summers,
John Finn,	John S. May,	J. R. Thomas,
George Will. Follis,	W. F. Neat,	N. S. Walton,
J. M. Frazee,	Eli Nicholls,	Geo. E. Willett,
Wm. Garrison,	W. F. Peak,	John D. Woods—33.

Mr. Quigley moved to amend section 92 by striking out all after the word "house," in line 34, and inserting in lieu thereof the following: "The managers of any turnpike road shall permit pupils to travel over same free of toll in going to and from school."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Botts and Hanks, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	J. P. O'Meara,
W. S. Bailey,	Ben. F. Gardner,	W. F. Peak,
R. F. Bass,	J. C. Glenn,	J. F. Porter,
B. T. Birkhead,	Geo. T. Halbert,	A. T. Pullen,
John Botts,	H. K. Hay,	I. M. Quigley,
B. E. Caudill,	P. R. Hays,	C. D. Reed,
F. P. Combest,	F. W. Hutcheson,	D. H. Severs,
L. J. Cox,	Daniel James,	S. H. Shouse,
Will J. Cox,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	T. S. Kirk,	John M. Tinsley,
J. E. Durham,	C. W. Mathers,	N. S. Walton,
John Finn,	John S. May,	Geo. E. Willett,
George Will Follis,	W. F. Neat,	John D. Woods—41.
J. M. Frazee,	Eli Nicholls,	

Those who voted in the negative, were—

W. W. Ayres,	P. S. Bruner,	John Ryan,
John T. Bashaw,	McD. Ferguson,	W. R. Stewart—8.
W. P. Beard,	Thos. H. Hanks,	

No quorum being present and voting thereon,

Mr. Quigley moved that the House take a recess until three o'clock this afternoon.

Said motion was adopted.

AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Speaker Moore in the chair.

The House resumed consideration of the unfinished business viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Mr. Woods moved to reconsider the vote by which the amendment proposed by Mr. Hanks to section 92 was lost.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Ferguson and Gardner, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. M. Frazee,	John S. May,
R. F. Bass,	J. P. Gay,	M. D. McInerney,
W. P. Beard,	Thos. H. Hanks,	A. T. Pullen,
John Botts,	U. G. Harlow,	I. M. Quigley,
P. S. Bruner,	H. K. Hay,	C. D. Reed,
A. J. Carroll,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	W. R. Stewart,
R. F. Comer,	R. M. Kincheloe	J. R. Thomas,
L. J. Cox,	T. S. Kirk,	John M. Tinsley,
W. J. Cox,	Lewis Y. Leavell,	N. S. Walton,
J. M. Dawson, Jr.,	C. W. Mathers,	John D. Woods—33.

Those who voted in the negative, were—

W. W. Ayres,	Wm. Garrison,	Eli Nicholls,
B. T. Birkhead,	Ben. F. Gardner,	J. A. Perkins,
F. P. Combest,	J. C. Glenn,	Thos. S. Pettit,
J. S. Cullen,	P. R. Hays,	J. F. Porter,
J. E. Durham,	B. B. Hensley,	John Ryan,
McD. Ferguson,	W. W. Johnson,	J. R. Summers—20.
John Finn,	W. F. Neat,	

Said amendment was rejected.

Mr. Hay moved to amend section 92 by striking out all after the word "school," in line 35.

Said amendment was adopted.

Mr. John S. May moved to amend section 92 by striking out of line 31 the word "convenient."

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Dawson moved to amend section 93 by adding thereto the following words: "And the trustees are authorized to have said houses and furniture insured against damage by fire or other casualty, the expenses incurred from such insurance to be paid out of the funds raised for general district purposes."

Said amendment was adopted.

Mr. Hutcheson moved to amend section 93 by striking out of line nine the words "at one dollar per day."

Said amendment was adopted.

Mr. Cullen moved to amend section 93 by adding thereto the following words after the word "section," in line 20, viz :

"In districts in which school-houses have been built, where a three years' tax was levied and collected and proved insufficient, and where there is any part of the cost of construction of such school-house, or purchasing site upon which to build, or for school furniture, remaining unpaid, the trustees shall levy an additional tax sufficient to pay off all indebtedness."

Said amendment was adopted.

Mr. Hanks moved to amend section 93 by inserting after the word "court," in line 23, the following words: "Not to exceed fifteen per cent. of the amount collected."

Said amendment was rejected.

Mr. Kirk moved to amend section 93 by striking out of line 12 the figures "89," and inserting in lieu thereof the figures "94."

Said amendment was adopted.

Said section, as amended, was adopted.

The amendments proposed by the committee to section 94 were adopted, and the section, as amended, was adopted.

Sections 95, 96 and 97 were adopted without amendment.

Mr. Nicholls moved to amend section 98 by adding after the word "duty," in line 10, the following words: "They shall see that a sufficient supply of good water is furnished within easy access of the school-house for the benefit of the school during the term of school."

Said amendment was adopted.

Mr. Hay moved to amend said section by striking out all after the word "district," in line 20.

Said amendment was adopted.

Said section, as amended, was adopted.

Section 99 was adopted without amendment.

Mr. Mathers moved to amend section 100 by adding in line 7, after the word "child," these words: "The clerk shall forward to the Superintendent of Public Instruction a footing of the number of children in each school district in the county, as reported by the trustees to him."

Said amendment was rejected.

Mr. J. R. Thomas moved to amend section 100 by striking out of lines 2 and 3 the words: "Then residing in such district," and inserting in lieu thereof the words: "That resided in such district on the first day of April."

Said amendment was adopted.

Mr. Hensley moved to amend section 100 by adding after the word "years," in line four, the words "provided they are unmarried."

Said amendment was rejected.

Mr. Hanks moved to amend section 100 by adding after the word "child," in line seven, these words: "To be entered in a book furnished him by the State, and kept as a part of the records of his office."

Said amendment was adopted.

Said section, as amended, was adopted.

Sections 101 and 102 were adopted without amendment.

Mr. Combest moved to amend section 103 by striking out all of said section down to and including the word "superintendent," in line three.

Said amendment was rejected.

Mr. Hay moved to amend section 103 by striking out of line five these words: "For the district, the school or the school-house;" also by striking out of line six the words "other than the services."

Said amendment was rejected.

Said section was then adopted.

Section 104 was adopted without amendment.

Mr. Cullen moved to amend section 105 by adding thereto these words: "Or from serving on a jury."

Said amendment was rejected.

Sections 105, 106 and 107 were adopted without amendment.

Mr. Quigley moved to amend said bill by striking out article 10.

Pending the discussion of said amendment,

Mr. Pettit moved the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

WEDNESDAY, MARCH 22, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	Wm. Garrison,	W. F. Neat,
W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
W. S. Bailey,	S. M. Gough,	W. F. Peak,
John T. Bashaw,	Geo. T. Halbert,	J. A. Perkins,
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	H. K. Hay,	A. T. Pullen,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	John Ryan,
B. E. Caudill,	W. J. Hissem,	D. H. Severs,
F. P. Combest,	F. W. Hutcheson,	S. H. Shouse,
R. F. Comer,	Daniel James,	C. C. Spalding,
L. J. Cox,	W. W. Johnson,	W. R. Stewart,
W. J. Cox,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	Lewis E. Thomas,
J. M. Dawson, Jr.,	T. S. Kirk,	J. R. Thomas,
E. M. Dickson,	William Krieger,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	D. W. Tribble,
McD. Ferguson,	C. W. Mathers,	N. S. Walton,
John Finn,	W. H. May,	Geo. E. Willett,
George Will. Follis,	John S. May,	John D. Woods—64.
J. M. Frazee,		

The following members were absent, viz :

Lewis Alexander, Sr.,	J. P. Gay,	Granville Philpot,
T. J. Arnett,	A. L. Harned,	E. M. Pryse,
Posey D. Ball,	R. K. Hart,	I. M. Quigley,
John Bartman,	Berry Howard,	R. E. Roberts,
B. F. Bennett,	Henry Kremer,	Waller Sharp,
Polk Causler,	John M. Letterle,	Fenton Sims,
A. J. Carroll,	H. P. Lively,	W. W. Stephenson,
A. H. Charlton,	Hiram McElroy,	Samuel O. Tate,
Wesley Crow,	M. D. McInerney,	J. H. Welch,
James R. Dean,	Harvey Myers,	H. P. Whitaker,
D. B. Edmiston,	J. P. O'Meara,	B. F. Willett,
Ben. F. Gardner,	John Lee Payne,	R. B. Wilson—36.

The Journal of yesterday was approved.

Mr. Pettit introduced the following resolution, viz :

Resolved, That each day hereafter, except Saturdays, there shall be an afternoon session of this House, but no other business shall be transacted except the reading and comparing of House bills and joint resolutions, and such Senate bills and resolutions as may be presented at that session ; and the Chairman of the Committee on Enrollments is directed to report at said afternoon session all the work of that committee, except in cases of extreme emergency.

Ordered, That said resolution be referred to the Committee on Rules.

Mr. Walton from the Committee on Printing and Accounts, reported H. B. 289, entitled

An act to provide how the printing, binding and stationery used by the State shall be furnished.

With sundry amendments proposed by the committee to the substitute proposed therefor by the Senate.

Mr. Pettit moved to postpone the further consideration of said bill and amendments until Friday, March 24th, 1893, at 10:30 o'clock, and that the same be made a special order for that hour.

Said motion was adopted.

A message was received from the Senate, announcing that they had concurred in the report of the Conference Committee appointed to take into consideration the differences of the two Houses as to S. B. 75, entitled,

An act relating to claims upon the Treasury,

And had passed said bill as amended.

The House took from the orders of the day H. B. 488, entitled

An act fixing the salary of the Judges of the Court of Appeals of Kentucky.

Said bill was read the second time.

The House took from the orders of the day H. Resolution 95, entitled

Resolution authorizing encampment of State Guards at Chicago, 1893.

Mr. Bashaw moved to postpone indefinitely the consideration of said resolution.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Bashaw and Ball, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	T. S. Kirk,
W. W. Ayres,	J. P. Gay,	John M. Letterle,
John Bartman,	J. C. Glenn,	C. W. Mathers,
John T. Bashaw,	S. M. Gough,	John S. May,
W. P. Beard,	Geo. T. Halbert,	W. F. Neat,
John Botts,	Thos. H. Hanks,	J. A. Perkins.
P. S. Bruner,	U. G. Harlow,	J. F. Porter,
F. P. Combest,	A. L. Harned,	C. D. Reed,
R. F. Comer,	H. K. Hay,	S. H. Shouse,
W. J. Cox,	W. J. Hissem,	C. C. Spalding,
J. S. Cullen,	F. W. Hutcheson,	W. R. Stewart,
J. M. Dawson, Jr.,	Daniel James,	J. R. Summers,
J. E. Durham,	W. W. Johnson,	John M. Tinsley,
McD. Ferguson,	J. S. Joplin,	D. W. Tribble—44.
George Will. Follis,	R. M. Kincheloe,	

Those who voted in the negative, were—

W. S. Bailey,	Henry Kremer,	R. E. Roberts,
Posey D. Ball,	William Krieger,	John Ryan,
R. F. Bass,	W. H. May,	D. H. Severs,
B. T. Birkhead,	M. D. McInerney,	W. W. Stephenson,
A. J. Carroll,	J. P. O'Meara,	J. R. Thomas,
L. J. Cox,	W. F. Peak,	N. S. Walton,
John Finn,	Thos. S. Pettit,	J. H. Welch,
Wm. Garrison,	A. T. Pullen,	Geo. E. Willett
P. R. Hays,	I. M. Quigley,	John D. Woods—28.
B. B. Hensley,		

So said resolution was rejected.

A message was received from the Senate, asking the appointment of a committee upon the part of the House, to confer with a like committee on the part of the Senate, to take into consideration the differences between the two Houses as to H. B. 373, entitled

An act to regulate the running at large of stock.

Ordered, That the Speaker appoint said committee.

Whereupon the Speaker appointed Messrs. Gardner, O'Meara and Birkhead as said committee.

The House took from the orders of the day H. B. 476, entitled

An act appropriating money to trustees of jury fund to reimburse them for amounts paid in excess of amounts allowed on basis of twelve grand jurors.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That there is hereby appropriated, out of the funds of the Treasury of the State not otherwise appropriated, the following sums in behalf of the following persons: The sum of seventy-four and $\frac{16}{100}$ dollars (\$74.16) to W. T. Corn, trustee of the jury fund of Mercer county; the sum of seventy-four and $\frac{16}{100}$ dollars (\$74.16) to John A Wolford, trustee of the jury fund of Taylor county, and the sum of sixty-five and $\frac{92}{100}$ dollars (\$65.92) to George Boone, trustee of the jury fund of Nelson county. The said sums being the amounts paid by said trustees of the jury fund of said counties at the November, 1891, term of circuit court, in the Eighteenth Judicial District, in excess of the amount which, on the basis of twelve grand jurors as provided by new Constitution, could be allowed and paid for such service at that term, and said sums having been paid out by said persons by the order and direction of the judge of said district.

§ 2. Whereas, said sums have already been paid out by the said persons under the direction of the judge of the Eighteenth Judicial District, and they have not been reimbursed, an emergency is hereby declared to exist, and this act shall take effect when approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	S. M. Gough,	W. F. Neat,
W. S. Bailey,	Geo. T. Halbert,	Eli Nicholls,

Posey D. Ball,	A. L. Harned,	J. P. O'Meara,
John Bartman,	H. K. Hay,	J. A. Perkins,
John T. Bashaw,	P. R. Hays,	Thos. S. Pettit,
R. F. Bass,	B. B. Hensley,	A. T. Pullen,
W. P. Beard,	W. J. Hissem,	I. M. Quigley,
John Botts,	F. W. Hutcheson,	C. D. Reed,
P. S. Bruner,	Daniel James,	John Ryan,
A. J. Carroll,	W. W. Johnson,	S. H. Shouse,
B. E. Caudill,	J. S. Joplin,	C. C. Spalding,
F. P. Combest,	T. S. Kirk,	W. W. Stephenson,
L. J. Cox,	Henry Kremer,	W. R. Stewart,
J. E. Durham,	William Krieger,	J. R. Summers,
McD. Ferguson,	Lewis Y. Leavell,	J. R. Thomas,
John Finn,	John M. Letterle,	John M. Tinsley,
George Will. Follis,	C. W. Mathers,	N. S. Walton,
J. M. Frazee,	John S. May,	Geo. E. Willett
J. C. Glenn,	M. D. McInerney,	John D. Woods—57.

Those who voted in the negative, were—

W. W. Ayres,	J. M. Dawson, Jr.,	W. H. May,
B. T. Birkhead,	Thos. H. Hanks,	W. F. Peak,
J. S. Cullen,	R. M. Kincheloe,	J. F. Porter—9.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took up for consideration the unfinished business of yesterday, viz :

S. B. 42. An act to provide an efficient system of common schools throughout the State.

Mr. Quigley withdrew the motion made by him on yesterday to strike out article 10.

Mr. Pettit moved the following substitute for section 108 of said bill, viz :

§ 108. In any common school district in the State, in which the clearly ascertained will of the people shall be in favor of a district tax in aid of the common school therein, the levying of such a tax therein shall be lawful.

Said substitute was adopted.

Said section, as amended, was adopted.

Mr. Ferguson moved to amend section 109 by striking out of line 9 the words "the chairman," and inserting in lieu thereof the words "a majority."

Said amendment was adopted.

Mr. Botts moved to amend section 109 by striking out of line 11 the word "ten," and inserting in lieu thereof the word "fifteen."

Said amendment was adopted.

Mr. Bashaw moved to reconsider the vote by which the amendment moved by Mr. Ferguson was adopted.

Mr. Ferguson moved to lay that motion on the table.

Said motion was adopted.

Said section, as amended, was adopted.

Mr. Hay moved to amend section 110 by striking out of line 2 all after the word "year," down to the word "but," in line 4.

Said amendment was adopted.

Mr. Hay moved to amend said section by striking out all after the word "thereof" in line nine.

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Nicholls moved to amend section 111 by inserting after the word "direct," in line four, these words: "But no vote shall be recorded by proxy."

Said amendment was rejected.

Sections 111, 112 and 113 were adopted without amendment.

Mr. Hay moved to amend section 114 by striking out "one dollar" and inserting in lieu thereof the words "one dollar and fifty cents."

Said amendment was rejected.

Mr. Ferguson moved to amend section 114 by striking out all after the word "district," in line three.

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Ferguson and Ayres, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	J. S. Joplin,	J. P. O'Meara,
McD. Ferguson,	John S. May,	A. T. Pullen,
Wm. Garrison,	W. F. Neat,	I. M. Quigley—10.
Geo. T. Halbert,		

Those who voted in the negative, were—

Mr. (Speaker Moore),	Thos. H. Hanks,	W. F. Peak,
W. S. Bailey,	A. L. Harned,	Thos. S. Pettit,

John T. Bashaw,	H. K. Hay,	J. F. Porter,
R. F. Bass,	P. R. Hays,	C. D. Reed,
W. P. Beard,	B. B. Hensley,	John Ryan,
B. T. Birkhead,	W. J. Hissem,	D. H. Severs,
P. S. Bruner,	F. W. Hutcheson,	S. H. Shouse,
A. J. Carroll,	Daniel James,	C. C. Spalding,
B. E. Caudill,	W. W. Johnson,	W. W. Stephenson,
R. F. Comer,	R. M. Kincheloe,	W. R. Stewart,
W. J. Cox,	T. S. Kirk,	J. R. Summers,
J. S. Cullen,	Henry Kremer,	Lewis E. Thomas,
J. M. Dawson, Jr.,	William Krieger,	J. R. Thomas,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley,
John Finn,	John M. Letterle,	D. W. Tribble,
J. M. Frazee,	C. W. Mathers,	N. S. Walton,
J. C. Glenn,	Eli Nicholls,	John D. Woods—52.
S. M. Gough,		

Mr. Hay moved to amend section 114 by striking out "one dollar" and inserting in lieu thereof these words: "One dollar and fifty cents poll-tax, both or either."

Said amendment was rejected.

Said section was adopted.

Mr. Kirk moved to amend section 115 by striking out of line 15 the word "fifty," and inserting in lieu thereof the word "seventy-five."

Said amendment was rejected.

Mr. Harned moved to amend section 115 by inserting the following after the word "that," in line 23, viz: "Where such graded school is made out of one or more common school districts, and leaves less than fifty pupils in such districts."

Said amendment was rejected.

Sections 115, 116, 117, 118, 119, 120 and 121 were adopted without amendment.

The amendment proposed by the committee to section 122 was adopted, and the section, as amended, was adopted.

Sections 123 to 134, both inclusive, were adopted without amendment.

Mr. Hay moved to amend section 135 by inserting in line 1, after the word "school, the words, "and all county seminaries."

Said amendment was adopted.

Mr. Hay moved to amend section 135 as follows:

Add "but when county seminaries' property shall be appropriated, all pupils of the county shall be permitted to attend

said school at such reduced tuition from what is ordinary as will be equitable, and make good to them their interest in said seminary property. It is further provided, that any graded school district shall embrace any school property owned or held in trust by trustees. Said trustees, by a majority vote of their board, are hereby authorized and empowered to convey their school property to the trustees of the graded school at such price and such conditions as may be agreed on by the trustees of both parties."

Said amendment was adopted.

Said section, as amended, was adopted.

Sections 136, 137, 138 and 139 were adopted without amendment.

Mr. Tribble moved to amend section 140 by placing a period after the word "assembly," in line 4, by striking out the word "but" in same line, and using a capital "A" in the word "any."

Said amendment was adopted.

Mr. Tribble moved to amend said section by striking out of line five the words "make its," and inserting in lieu thereof the word "establish."

Said amendment was adopted.

Said section, as amended, was adopted.

Sections 141 and 142 were adopted without amendment.

The committee's amendment to section 143 was adopted.

Said section, as amended, was adopted.

Sections 144, 145, 146 and 147 were adopted without amendment.

Mr. Woods moved that when the House adjourn at 1 o'clock to-day, it be to meet at 2:30 o'clock this afternoon.

Said motion was adopted.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 161. An act providing for the creation and regulation of private corporations,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Pending the reading and comparison of said bill, the hour of 1 o'clock arrived, and the House took a recess until 2:30 o'clock.

AFTERNOON SESSION.

The House met at 2:30 o'clock.

Mr. Speaker Moore in the chair.

The House resumed the reading and comparison of S. B. 161, entitled

An act providing for the creation and regulation of private corporations.

Pending the reading and comparison of said bill, the hour of 5 o'clock arrived, and the House adjourned until to-morrow morning at 10 o'clock.

THURSDAY, MARCH 23, 1893.

The House was opened with prayer by Elder Geo. Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. M. Frazee,	W. H. May,
W. W. Ayres,	Wm. Garrison,	John S. May,
W. S. Bailey,	J. C. Glenn,	W. F. Neat,
John T. Bashaw,	S. M. Gough,	Eli Nicholls,
R. F. Bass,	Geo. T. Halbert,	W. F. Peak,
W. P. Beard,	Thos. H. Hanks,	J. A. Perkins,
B. F. Bennett,	U. G. Harlow,	Thos. S. Pettit,
B. T. Birkhead,	A. L. Harned,	Granville Philpot,
John Botts,	H. K. Hay,	J. F. Porter,
P. S. Bruner,	P. R. Hays,	A. T. Pullen,
B. E. Caudill,	B. B. Hensley,	C. D. Reed,
A. H. Charlton,	W. J. Hissem,	John Ryan,
F. P. Combest,	F. W. Hutcheson,	S. H. Shouse,
R. F. Comer,	Daniel James,	W. W. Stephenson,
W. J. Cox,	W. W. Johnson,	W. R. Stewart,
J. S. Cullen,	J. S. Joplin,	J. R. Summers,

J. M. Dawson, Jr.,	R. M. Kincheloe,	Lewis E. Thomas,
E. M. Dickson,	T. S. Kirk,	J. R. Thomas,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley,
McD. Ferguson,	John M. Letterle,	N. S. Walton,
John Finn,	C. W. Mathers,	John D. Woods—64.
George Will. Follis,		

The following members were absent, viz :

Lewis Alexander, Sr.,	R. K. Hart,	R. E. Roberts,
T. J. Arnett,	Berry Howard,	D. H. Severs,
Posey D. Ball,	Henry Kremer,	Waller Sharp,
John Bartman,	William Krieger,	Fenton Sims.
Polk Cansler,	H. P. Lively,	C. C. Spalding,
A. J. Carroll,	Hiram McElroy	Samuel O. Tate,
L. J. Cox,	M. D. McInerney,	D. W. Tribble,
Wesley Crow,	Harvey Myers,	J. H. Welch,
James R. Dean,	J. P. O'Meara,	H. P. Whitaker,
D. B. Edmiston,	John Lee Payne,	B. F. Willett,
Ben. F. Gardner,	E. M. Pryse,	Geo. E. Willett,
J. P. Gay,	I. M. Quigley,	R. B. Wilson—36.

The Journal of yesterday was approved.

The reading and comparison for signature of enrolled House Bill No. 161, entitled

An act providing for the creation and regulation of Private Corporations,

Was concluded.

And being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time said Enrolling Clerk reported that he had performed that duty.

Mr. Peak moved that the House take a recess until 3 o'clock, P. M.

Said motion was adopted.

And then the House adjourned.

AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Speaker Moore in the chair.

A message was received from the Governor, announcing that he had approved and signed bills and a resolution, which originated in the House, of the following titles, viz :

H. B. 407. An act concerning laws, and entitled "Laws."

H. B. 449. An act to repeal an act, entitled "An act to establish a public graded school in common school district number seven (7), in Johnson county," approved March 19, 1888.

H. B. 460. An act for the protection and preservation of the health of the people of this Commonwealth.

H. Resolution 90. Resolution authorizing the appointment of a commission to assist in locating the position of Kentucky troops at the battles of Chickamauga and Missionary Ridge, Tennessee.

The committees, to whom the same had been referred, reported bills as follows, viz :

By Mr. Hays, from the Committee on State Prisons and House of Reform—

H. B. 490. An act to appropriate money for building or repairing shops in State prison in the city of Frankfort, providing for the execution of the work.

By Mr. L. J. Cox, from the Committee on County and City Courts—

S. B. 228. An act to amend an act, entitled "An act creating fiscal courts in the several counties in this Commonwealth," approved October 17th, 1892.

Said bills were severally read the first time, ordered to be printed, and read the second time on some other day.

Mr. Hay entered a motion to reconsider the vote by which the House passed H. B. 241, entitled

An act to protect the citizens of this Commonwealth against empiricism.

Mr. Walton moved to reconsider the vote by which the House made a special order for to-morrow H. B. 289, entitled

An act to provide how the printing, binding and stationery used by the State shall be furnished.

Said motion was adopted.

Mr. Walton moved to recommit said bill to the Committee on Printing and Accounts.

Said motion was adopted.

The House took up for consideration the unfinished business of yesterday, viz :

S. B. — An act to provide for an efficient system of common schools throughout the State.

Mr. Severs moved to amend section 148, by striking out of line 60 the word "seventy" and insert "fifty;" also amend line 61 by striking out the word "eighty" and insert "seventy."

Said amendment was rejected.

Mr. Hay moved to amend section 148 by inserting after the word "first-class," in line 56, these words :

Which shall be good in any county in the State; but any county superintendent may, for cause, or upon re-examination, which shall cost the applicant nothing, revoke the certificate to teach, so far as it applies to his county, and the.

Said amendment was adopted.

Mr. Hissem moved to amend said section by inserting after the word "State," in line 36, these words: "Graded or city schools, except graded high schools."

Said amendment was adopted.

Mr. Kirk moved to amend said section by striking out of line 52 the words "State diplomas."

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Pettit moved to reconsider the vote by which section 147 was adopted.

Said motion was adopted.

Mr. Pettit moved to amend said section by adding thereto these words: "Which shall be paid into the common school fund."

Said amendment was adopted.

Mr. Hissem moved to amend said section by inserting after

the word "good," in line 10, these words: "In all schools throughout the State maintained wholly or partly by the State."

Said amendment was adopted.

Mr. Cansler moved to strike out section 147.

Said motion was lost.

Said section, as amended, was adopted.

Sections 149 and 150 were adopted without amendment.

Mr. J. R. Thomas moved to amend section 151 by striking out of line 7 the words "a strict," and inserting in lieu thereof the word "such." Also by inserting after the word "school," in line 9, these words: "As should be exercised by a judicious parent."

Said amendment was rejected.

Mr. Hay moved to amend said section by striking out all after the word "dollars," in line 20.

Said amendment was adopted.

Mr. Cansler moved to amend said section by inserting after the word "conduct," in line 8, these words: "In the school room, or."

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Walton moved to amend section 152 by striking out of line 4 the words "five days," and inserting in lieu thereof these words: "Three nor more than five days, in the discretion of the superintendent."

Said amendment was adopted.

Said section, as amended, was adopted.

The amendment proposed by the committee to section 153 was adopted.

Mr. Pettit moved to amend section 153 by striking out all after the word "thereof," in line 3.

Said amendment was adopted.

Said section, as amended, was adopted.

Section 154 was adopted without amendment.

Mr. Sims moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

FRIDAY, MARCH 24, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	S. M. Gough,	W. F. Neat,
W. W. Ayres,	Geo. T. Halbert,	Eli Nicholls,
W. S. Bailey,	Thos. H. Hanks,	W. F. Peak,
John T. Bashaw,	U. G. Harlow,	Thos. S. Pettit,
B. F. Bennett,	A. L. Harned,	J. F. Porter,
B. T. Birkhead,	H. K. Hay,	E. M. Pryse,
John Botts,	P. R. Hays,	A. T. Pullen,
P. S. Bruner,	B. B. Hensley,	C. D. Reed,
B. E. Candill,	W. J. Hissem,	John Ryan,
A. H. Charlton,	F. W. Hutcheson,	D. H. Severs,
R. F. Comer,	Daniel James,	S. H. Shouse,
L. J. Cox,	W. W. Johnson,	C. C. Spalding,
W. J. Cox,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	Lewis E. Thomas,
J. M. Dawson, Jr.,	T. S. Kirk,	J. R. Thomas,
John Finn,	Lewis Y. Leavell,	John M. Tinsley,
George Will. Follis,	John M. Letterle,	N. S. Walton,
J. M. Frazee,	W. H. May,	Geo. E. Willett,
Wm. Garrison,	John S. May,	John D. Woods—58.
J. C. Glenn,		

The following members were absent, viz :

Lewis Alexander, Sr.,	McD. Ferguson,	J. A. Perkins,
T. J. Arnett,	Ben. F. Gardner,	Granville Philpot,
Posey D. Ball,	J. P. Gay,	J. M. Quigley,
John Bartman,	R. K. Hart,	R. E. Roberts,
R. F. Bass,	Berry Howard,	Waller Sharp,
W. P. Beard,	Henry Kremer,	Fenton Sims,
Polk Cansler,	William Krieger,	W. W. Stephenson,
A. J. Carroll,	H. P. Lively,	W. R. Stewart,
F. P. Combest,	C. W. Mathers,	Samuel O. Tate,
Wesley Crow,	Hiram McElroy,	D. W. Tribble,
James R. Dean,	M. D. McInerney,	J. H. Welch,
E. M. Dickson,	Harvey Myers,	H. P. Whitaker,
J. E. Durham,	J. P. O'Meara,	B. F. Willett,
D. B. Edmiston,	John Lee Payne,	R. B. Wilson—42.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed enrolled bills, as follows, viz :

S. B. 45. An act to prescribe the mode of proceeding against persons guilty of contempt of the General Assembly, or either House thereof.

S. B. 199. An act concerning mills, and entitled "Mills."

That they had passed bills, which originated in the House of Representatives, as follows, viz :

H. B. 239. An act concerning animals ;

H. B. 463. An act concerning conveyances ;

H. B. 454. An act requiring directors and trustees of incorporated burying-grounds and cemeteries to make a written report of financial condition to stockholders, and imposing penalties for failure to do so ;

With an amendment to the last named bill.

That they had passed a bill, entitled

S. B. 227. An act concerning notaries public.

Ordered, That said bill be referred to the Committee on General Statutes.

Bills were introduced as follows, viz :

By Mr. Bennett—

H. B. 491. A bill to prohibit cattle from running at large unattended in this Commonwealth.

By Mr. McInerney—

H. B. 492. A bill to repeal an act, entitled "An act to amend the charter of the Covington and DeCoursey Creek Turnpike Road Company," approved February 28, 1865.

By Mr. Halbert—

H. B. 493. A bill to divide the State into thirty-eight Senatorial Districts.

Ordered, That said bills be referred—the first to the Committee on General Statutes ; the second to the Committee on Agriculture and Manufactures ; the third to the Committee on Legislative Districts.

The House took from the orders of the day bills as follows, viz :

H. B. 452. An act to authorize county courts to submit propo-

sitions for dividing or striking off territory to the legal voters, and providing for the transfer of said territory.

H. B. 478. An act to prevent and punish the adulteration and sale of baking powders.

H. B. 483. An act to establish a department of banking in this Commonwealth, and providing for the appointment of a Commissioner therefor and certain assistants, and prescribing their duties and manner of their compensation.

H. B. 484. A bill to amend an act, entitled "An act to regulate the liability of insurance companies in this State in certain cases," approved December 3, 1892.

H. B. 486. A bill to regulate the liability of insurance companies that take life or accident risks on live stock in this Commonwealth.

H. B. 487. A bill to provide each common school district in this Commonwealth with an American National flag, and specifying when and where the same shall be used.

S. B. 211. An act concerning the office of constable.

Which bills were severally read the second time by their titles,

The constitutional provision as to the reading of said bills a second time at length being dispensed with.

Mr. Ball moved the adoption of the following resolution, viz :

Resolved, That a committee of two be appointed by the Speaker, to act with a like committee of the Senate, to wait upon the Governor and ask the withdrawal from his hands, for clerical correction, H. B. 404, entitled

An act to amend an act, entitled "An act to fix the per diem of the employes of the General Assembly," approved January 5, 1893.

Said resolution was adopted.

Whereupon the Speaker appointed Messrs. Ball and Gardner as said committee.

After a time the committee returned, reported that they had discharged the duty assigned them, and returned said bill to the House.

Mr. Ball entered a motion to reconsider the vote by which said bill was passed.

Mr. Pettit moved that a committee be appointed to wait upon

the Senate and ask the withdrawal from that body the announcement of the disagreement of the House to S. B. 82, entitled

An act relating to voluntary assignments for benefit of creditors.

Said motion was adopted.

Whereupon the Speaker appointed Messrs. Pettit and Birkhead as said committee.

The House took from the orders of the day S. B. 184, entitled

An act in relation to circuit court judges in counties having a population of not less than 50,000 and not more than 75,000.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That when any county may have a population of not less than fifty thousand and not more than seventy-five thousand inhabitants, the county, or any city or taxing district therein, are, by its board of magistrates, fiscal court, council or commissioners, hereby authorized and empowered to allow and pay the judge of the circuit court of such county such annual compensation, in addition to that paid him by the State, as they may deem just and proper.

§ 2. Because it is necessary to supplement the salaries of judges in counties mentioned in the preceding section, an emergency exists that this law shall go into effect as soon as may be ; therefore this act shall be in force as soon as approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	J. C. Glenn,	J. F. Porter,
W. W. Ayres,	S. M. Gough,	A. T. Pullen,
W. S. Bailey,	Thos. H. Hanks,	I. M. Quigley,
Posey D. Ball,	A. L. Harned,	C. D. Reed,
John Bartman,	B. B. Hensley,	John Ryan,
B. T. Birkhead,	W. J. Hissem,	D. H. Severs,
A. J. Carroll,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	Fenton Sims,
R. F. Comer,	W. W. Johnson,	C. C. Spalding,
L. J. Cox,	T. S. Kirk,	W. W. Stephenson,
W. J. Cox,	Lewis Y. Leavell,	Lewis E. Thomas,
J. M. Dawson, Jr.,	John M. Letterle,	J. R. Thomas,
McD. Ferguson,	W. H. May,	John M. Tinsley,

John Finn,	John S. May,	D. W. Tribble,
George Will Follis,	M. D. McInerney,	N. S. Walton,
J. M. Frazee,	W. F. Neat,	Geo. E. Willett,
Ben. F. Gardner,	Eli Nicholls,	John D. Woods—53.
J. P. Gay,	Thos. S. Pettit,	

Those who voted in the negative, were—

John T. Bashaw,	J. S. Cullen,	J. S. Joplin,
B. F. Bennett,	Geo. T. Halbert,	R. M. Kincheloe,
John Botts,	U. G. Harlow,	W. F. Peak,
P. S. Bruner,	P. R. Hays,	W. R. Stewart—12.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Frazee entered a motion to reconsider the vote by which the House postponed indefinitely H. Resolution 95, entitled

Resolution authorizing encampment of State Guards at Chicago, 1893.

Mr. Ball moved that a committee be appointed to wait upon the Senate, and ask the withdrawal from that body of the announcement of the passage by the House of S. B. 189, entitled

An act to amend an act fixing the time and terms of circuit courts in the counties composing the several judicial districts in this Commonwealth, which became a law 22d day of December, 1892.

Said motion was adopted.

Whereupon the Speaker appointed Messrs. Ball and Gay as said committee.

Mr. Hensley, from the Committee on Claims, reported H. B. 489, entitled

A bill to appropriate money to reimburse A. L. Harned for money expended in his contest.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

The House took up for consideration the unfinished business of yesterday, viz:

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Mr. Cullen moved to amend section 155 by striking out all of said section after the word "disability," in line 18.

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Finn and Kirk, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	C. D. Reed,
W. W. Ayres,	Geo. T. Halbert,	D. H. Severs,
B. F. Bennett,	Thos. H. Hanks,	S. H. Shouse,
B. T. Birkhead,	P. R. Hays,	Fenton Sims,
P. S. Bruner,	Eli Nicholls,	W. R. Stewart,
J. S. Cullen,	W. F. Peak,	J. R. Summers,
J. M. Dawson, Jr.,	Thos. S. Pettit,	Lewis E. Thomas,
McD. Ferguson,	A. T. Pullen,	N. S. Walton—24.

Those who voted in the negative, were—

W. S. Bailey,	A. L. Harned,	W. H. May,
John Bartman,	B. B. Hensley,	John S. May,
John Botts,	W. J. Hissem,	M. D. McInerney,
A. J. Carroll,	F. W. Hutcheson,	W. F. Neat,
B. E. Caudill,	Daniel James,	J. F. Porter,
R. F. Comer,	W. W. Johnson,	I. M. Quigley,
L. J. Cox,	J. S. Joplin,	John Ryan,
W. J. Cox,	R. M. Kincheloe,	W. W. Stephenson,
John Finn,	T. S. Kirk,	J. R. Thomas,
George Will. Follis,	Henry Kremer,	John M. Tinsley,
Ben. F. Gardner,	John M. Letterle,	John D. Woods—34.
J. C. Glenn,		

Said section was adopted.

Mr. Pettit moved to reconsider the vote by which section 154 was adopted.

Said motion was adopted.

Mr. Pettit moved to amend section 154 by striking out of line 5 the word "it," and striking out all of lines 6, 7, 8, 9 and 10.

Said amendment was adopted.

Mr. Hanks moved to amend said section by striking out lines 1, 2, 3 and 4 down to the word "work."

Said amendment was rejected.

Mr. Follis moved to amend said section by striking out of line 1 the word "shall," and inserting in lieu thereof the word "may."

Said amendment was adopted.

Said section, as amended, was adopted.

Sections 156, 157, 158, 159, 160, 161 and 162 were adopted without amendment.

Mr. Botts moved to amend said bill by striking out article 13. Said motion was rejected.

Sections 163, 164, 165, 166 and 167 were adopted without amendment.

Mr. Follis moved to amend said bill by striking out article 14. Said motion was rejected.

Mr. Hay moved to amend section 168 by inserting after the word "years" the words "who are unmarried."

Said amendment was rejected.

Said section was adopted.

Mr. Walton moved to consolidate sections 169 and 170.

Said motion was adopted.

Said sections were adopted.

Section 171 was adopted.

Mr. Ferguson moved to reconsider the vote by which section 4 was adopted.

Said motion was adopted.

Mr. Ferguson moved to amend said section by striking out of line one the word "twenty" and insert "twenty-one."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Ferguson and Kirk, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Fenton Sims,
W. W. Ayres,	S. M. Gough,	C. C. Spalding,
W. S. Bailey,	Thos. H. Hanks,	W. R. Stewart,
John T. Bashaw,	W. H. May,	J. R. Summers,
B. T. Birkhead,	Thos. S. Pettit,	Lewis E. Thomas,
P. S. Bruner,	A. T. Pullen,	D. W. Tribble,
J. M. Dawson, Jr.,	C. D. Reed,	N. S. Walton,
McD. Ferguson,	D. H. Severs,	Geo. E. Willett—26.
J. M. Frazee,	S. H. Shouse,	

Those who voted in the negative, were—

John Bartman,	Ben. F. Gardner,	T. S. Kirk,
B. F. Bennett,	J. C. Glenn,	John M. Letterle,
John Botts,	Geo. T. Halbert,	John S. May,

Polk Cansler,	U. G. Harlow,	M. D. McInerney
A. J. Carroll,	A. L. Harned,	W. F. Neat,
B. E. Caudill,	H. K. Hay,	Eli Nicholls,
R. F. Comer,	W. J. Hissem,	W. F. Peak,
L. J. Cox,	F. W. Hutcheson,	J. F. Porter,
W. J. Cox,	Daniel James,	I. M. Quigley,
J. S. Cullen,	W. W. Johnson,	J. R. Thomas,
John Finn,	J. S. Joplin,	John M. Tinsley,
George Will. Follis,	R. M. Kincheloe,	John D. Woods—36.

Mr. Ferguson moved to amend said section by inserting after the word "State," in line three, the words: "But no teacher shall teach on Saturday."

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Severs moved to reconsider the vote by which section 2 was adopted.

Said motion was adopted.

Mr. Severs moved to amend said section by striking out all after the word "fees," in line twelve.

Said amendment was rejected.

Mr. Beard moved to amend section 2 by inserting in line six, between the words "five" and "months," the words "or more."

Said amendment was adopted.

Mr. Cansler moved to amend section 2 by striking out all after the word "school," in line 11, down to the word "pay," in line 12, and inserting in lieu thereof the following words: "In his or her district between the ages of 20 and 21 years who will."

Said amendment was rejected.

Mr. Will. J. Cox moved to amend section 2 by striking out of line 12 these words: "And pay the required tuition fees."

Said amendment was rejected.

Said section, as amended, was adopted.

Mr. Walton moved that the House take a recess until 3 o'clock this afternoon.

Said motion was adopted.

And then the House adjourned.

AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Speaker Moore in the chair.

The House resumed the consideration of the unfinished business, viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Mr. Birkhead moved to reconsider the vote by which the House adopted section 40.

Said motion was adopted.

Mr. Birkhead moved the following as a substitute for section 40 :

§ 40. The county superintendent shall be elected by the qualified voters of each county at the November election in 1893; shall enter upon the discharge of the duties of his office on the second Monday in August, 1894, and continue in office until the first Monday in January 1898, and until the election and qualification of his successor; and in 1897, and every four years thereafter, there shall be in each county an election of a county superintendent, who shall hold his office four years from the first Monday in January following his election, or until the election and qualification of his successor. The county superintendent shall be elected, and the vote canvassed and the result certified by the same officers, and in the same manner as in the election of other county officers; and within ten days after the election the clerk of the county court shall forward a copy of the certificate of election to the Superintendent of Public Instruction. All county superintendents in office at the time of the November election in 1894 shall continue in office until the second Monday in August, 1894, or until their successors are elected and qualified. In cases of controverted right to the office of county superintendent, the Superintendent of Public Instruction shall have power to recognize a superintendent from among the contestants until the case has been settled.

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Hay moved to reconsider the vote by which the House adopted section 45.

Said motion was adopted.

Mr. Halbert moved to reconsider the vote by which the

House had heretofore adopted an amendment proposed to said section 45 by Mr. Cullen.

Said motion was adopted.

Said amendment was then rejected.

Mr. Hay moved to amend section 45 as follows :

Strike out all after the word "schools," in line 5, down to the word "it," in line 9, and insert in lieu thereof the following words: "And shall report to the county judge the number and kind of books needed, when the county judge shall purchase the books, and pay for them by an allowance made by the fiscal court of said county. The county judge shall turn said books over to the county superintendent for distribution, taking receipt for the number and value of books, but the cost of said books shall not exceed in the aggregate one hundred dollars in any county per annum."

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Cullen moved to reconsider the vote by which the House adopted section 59.

Said motion was rejected.

Mr. John S. May moved to reconsider the vote by which the House adopted section 9.

Said motion was rejected.

Mr. Follis moved to reconsider the vote by which the House adopted section 62.

Said motion was adopted.

Mr. Follis moved to reconsider the vote by which the House adopted an amendment proposed to said section by Mr. Nicholls.

Said motion was adopted.

Said amendment was then rejected.

Mr. Follis moved to amend said section as follows :

Strike out all of said section down to and including the word "county," in line 5, and insert in lieu thereof these words: "The county superintendent shall appoint two strictly moral and well educated persons, holding county certificates of the first-class, State certificates, State diplomas, or diplomas from some literary institution of high standing, who, together with himself, shall constitute a board of examiners for the county."

Said amendment was adopted.

Said section, as amended, was adopted:

Mr. Hay moved to reconsider the vote by which the House adopted section 95.

Said motion was adopted.

Mr. Hay moved to amend said section by striking out the words "are entitled to vote for trustees," and inserting in lieu thereof the words, "have child or children attending the common school of the district."

Said amendment was adopted.

Mr. Bennett moved to strike out all of said section.

Said motion was rejected.

Said section, as amended, was adopted.

Mr. Harned moved to reconsider the vote by which the House adopted section 92.

Said motion was adopted.

Mr. Harned moved to amend said section by inserting after the word "apparatus," in line 6, a semicolon instead of a period, and the words: "But the trustees shall not buy for such use property in which they are either directly or indirectly interested."

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Follis moved to reconsider the vote by which the House adopted section 65.

Said motion was adopted.

Mr. Follis moved to amend said section by striking out of line 2 the word "sixteen," and inserting the word "eighteen."

Said amendment was adopted.

Said section, as amended, was adopted.

Mr. Hissem moved to reconsider the vote by which section 155 was adopted.

Said motion was rejected.

Mr. Hanks moved to reconsider the vote by which the House adopted section 42, and moved to strike out all of said section.

Said motion was adopted.

An amendment, heretofore moved by Mr. Garrison to section 81, was rejected.

Said section was adopted.

Section 8, heretofore passed, was adopted.

Ordered, That said bill be read the third time.

Mr. Pettit moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

SATURDAY, MARCH 25, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	S. M. Gough,	W. F. Peak,
W. W. Ayres,	Geo. T. Halbert,	Thos. S. Pettit,
W. S. Bailey,	Thos. H. Hanks,	J. F. Porter,
B. F. Bennett,	U. G. Harlow,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	C. C. Spalding,
R. F. Comer,	J. S. Joplin,	W. W. Stephenson,
L. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
W. J. Cox,	T. S. Kirk,	J. R. Summers,
J. S. Cullen,	Henry Kremer,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
J. E. Durham,	C. W. Mathers,	John M. Tinsley,
McD. Ferguson,	John S. May,	D. W. Tribble,
John Finn,	W. F. Neat,	Geo. E. Willett,
Geo. Will. Follis,	Eli Nicholls,	John D. Woods—55.
J. C. Glenn,		

The following members were absent :

Lewis Alexander, Sr.,	Wm. Garrison,	J. P. O'Meara,
T. J. Arnett,	Ben. F. Gardner,	John Lee Payne,
Posey D. Ball,	J. P. Gay,	J. A. Perkins,
John Bartman,	R. K. Hart,	Granville Philpot,
John T. Bashaw,	H. K. Hay,	I. M. Quigley.

R. F. Bass,
W. P. Beard,
A. J. Carroll,
A. H. Charlton,
F. P. Combest,
Wesley Crow,
James R. Dean,
E. M. Dickson,
D. B. Edmiston,
J. M. Frazee,

B. B. Hensley,
Berry Howard,
W. W. Johnson,
William Krieger,
John M. Letterle,
H. P. Lively,
W. H. May,
Hiram McElroy,
M. D. McInerney,
Harvey Myers,

R. E. Roberts,
John Ryan,
Waller Sharp,
Fenton Sims,
Samuel O. Tate,
N. S. Walton,
J. H. Welch,
H. P. Whitaker,
B. F. Willett,
R. B. Wilson—45.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Neat offered the following resolution, viz :

WHEREAS, It is a recognized fact that, in former times, the souls of men were stirred and the "finer feelings" awakened by the music of the Scottish bards ; and whereas, the thought that the members of this House may separate in the near future casts a shadow on the minds and feelings of the members who are endeared to each other ; and whereas, it is desirable that the members of this House should treasure up some beautiful strains of music to remind them of their unalloyed pleasure during their stay in Frankfort ; therefore,

Be it resolved by the House of Representatives, That the members of this House should cultivate and cherish a love for that soul-stirring piece given daily on the streets of Frankfort by the author of "More Coal! More Coal!!"

Which was read and adopted.

Mr. Pettit offered the following resolution, viz :

Resolved by the House of Representatives (the Senate concurring), That we approve of the Cabinet of President Cleveland, especially the appointment of Carlisle and Gresham. Their lofty character and eminent qualifications are known and admitted by all. They are in full accord with the public policies of the Democratic party as lately formulated, of which the President is the most conspicuous representative, and now the responsible executive. The Democratic party has suffered much in the past from narrowness of party spirit, and its growth has been impeded thereby. If in the future it is to be the dominant party of the nation, it should show a generous and hospitable spirit. That President Cleveland is entitled to the gratitude of the country for his advanced step in political tactics. By one courageous stroke he levels the walls of sectionalism, and shows to the world a singular example of wise statesmanship, pure politics, and devotion to the public weal, unparalleled in modern times. That we pledge him a loyal support in Kentucky, without reference to party lines, in his endeavor to purify the Civil

Service, encourage patriotism, and equalize the taxing power. A wise economy in public expenditures, and a frank acknowledgment of the individual rights of the common people, will exhibit at home and abroad the sublime fact that ours is a government "by the people, of the people, and for the people."

Mr. Carroll moved that said resolution do lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and Birkhead, were as follows, viz :

Those who voted in the affirmative, were—

Posey D. Ball,	Thos. H. Hanks,	J. F. Porter,
B. F. Bennett,	P. R. Hays,	E. M. Pryse,
John Botts,	R. M. Kincheloe	D. H. Severs,
A. J. Carroll,	T. S. Kirk,	S. H. Shouse,
B. E. Caudill,	Lewis Y. Leavell,	C. C. Spalding,
J. S. Cullen,	C. W. Mathers,	John M. Tinsley,
Ben. F. Gardner,	Eli Nicholls,	D. W. Tribble—22.
S. M. Gough,		

Those who voted in the negative, were—

Mr. (Speaker Moore),	John Finn,	W. F. Neat,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	Geo. T. Halbert,	Thos. S. Pettit,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	W. J. Hissem,	C. D. Reed,
L. J. Cox,	F. W. Hutcheson,	J. R. Thomas,
J. M. Dawson, Jr.,	Daniel James,	Geo. E. Willett,
J. E. Durham,	J. S. Joplin,	John D. Woods—26.
McD. Ferguson,	John S. May,	

Mr. Carroll moved a call of the House.

Said motion was disagreed to.

Mr. Ferguson moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Ferguson and Kirk, were as follows, viz :

Those who voted in the affirmative, were—

B. F. Bennett,	P. R. Hays,	A. T. Pullen—4.
J. M. Dawson, Jr.,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	Eli Nicholls,
W. W. Ayres,	J. P. Gay,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,
Posey D. Ball,	S. M. Gough,	J. F. Porter,
B. T. Birkhead,	Geo. T. Halbert,	E. M. Pryse,
John Botts,	Thos. H. Hanks,	C. D. Reed,
P. S. Bruner,	U. G. Harlow,	D. H. Severs,
Polk Cansler,	W. J. Hissem,	C. C. Spalding,
A. J. Carroll,	F. W. Hutcheson,	W. R. Stewart,
B. E. Caudill,	Daniel James,	J. R. Summers,
R. F. Comer,	J. S. Joplin,	Lewis E. Thomas,
L. J. Cox,	R. M. Kincheloe,	J. R. Thomas,
J. S. Cullen,	T. S. Kirk,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	D. W. Tribble,
McD. Ferguson,	C. W. Mathers,	Geo. E. Willet,
John Finn,	John S. May,	John D. Woods—47.
George Will Follis,		

Mr. Gardner offered the following as a substitute for said resolution :

Be it resolved, That, in the opinion of this House, the Honorable the Secretary of State for the United States should appoint the Hon. T. S. Pettit Minister to Dahomey, and that we cordially recommend him for that position.

Mr. Bailey moved that said resolution be made a special order for Wednesday, March 29th, at 10:30 o'clock, A. M.

Said motion was agreed to.

Mr. Mathers offered the following resolution, viz :

Resolved, That the Superintendent of the Central Insane Asylum is respectfully asked if the assistant physicians of that asylum pay any board for their wives, children and nurses ; if so, how much board per week is charged to each ?

2. On what authority does he board the wives, children and nurses of three assistant physicians there ? How many persons are there in these three families ? How long have they lived in the asylum ? He is requested to report this and such other information of this character at his earliest convenience.

Said resolution was read and agreed to.

A message was received from the Senate, announcing that they had passed bills, which originated in the House of Representatives, of the following titles, viz :

H. B. 161. An act concerning the State Board of Health.

H. B. 240. An act continuing the Kentucky State Dental

Association, and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth.

With amendments to the last named bill.

That they had passed the following bill, viz :

S. B. 229. An act appropriating four thousand dollars to rebuilding the hospital at the Eddyville Penitentiary, and to raise the ell another story.

Ordered, That said bill be referred to the Committee on State Prisons and House of Reform.

Mr. Ball, from the committee heretofore appointed to withdraw from the Senate a bill, entitled

S. B. 189. An act to amend an act fixing the times and terms of circuit courts in the counties comprising the several judicial districts in this Commonwealth, which became a law the 22d day of December, 1892,

Reported that the committee had discharged said duty, and delivered said bill to the Clerk of the House.

Mr. Ball moved that the vote by which the House passed said bill be reconsidered.

Said motion was agreed to.

Mr. Ball moved that the vote by which the House ordered said bill to its third reading be reconsidered.

Said motion was agreed to.

Mr. Ball moved that said bill be recommitted to the Committee on Judiciary.

Said motion was agreed to.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 75. An act relating to Claims upon the Treasury,
And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time said Enrolling Clerk reported that he had performed that duty.

The House took from the orders of the day H. B. 454, entitled

A bill requiring directors and trustees of incorporated burying-grounds and cemeteries to make a written report of financial condition to stockholders, and imposing penalties for failure to do so,

Together with the amendments proposed by the Senate.

Said amendments were concurred in.

Said bill, as amended, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. C. Glenn,	W. F. Peak,
W. W. Ayres,	S. M. Gough,	Thos. S. Pettit,
W. S. Bailey,	Geo. T. Halbert,	J. F. Porter,
B. F. Bennett,	Thos. H. Hanks,	E. M. Pryse,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
John Botts,	A. L. Harned,	I. M. Quigley,
P. S. Bruner,	P. R. Hays,	C. D. Reed,
Polk Cansler,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	S. H. Shouse,
R. F. Comer,	Daniel James,	Fenton Sims,
Will J. Cox,	J. S. Joplin,	C. C. Spalding,
J. S. Cullen,	R. M. Kincheloe,	W. W. Stephenson,
J. M. Dawson, Jr.,	T. S. Kirk,	W. R. Stewart,
J. E. Durham,	Henry Kremer,	J. R. Summers,
McD. Ferguson,	C. W. Mathers,	Lewis E. Thomas,
John Finn,	John S. May,	John M. Tinsley,
George Will. Follis,	W. F. Neat,	Geo. E. Willett,
Ben. F. Gardner,	Eli Nicholls,	John D. Woods—55.
J. P. Gay,		

In the negative—none.

The House took from the orders of the day H. B. 227, entitled

A bill to amend section two hundred and three (203) of the Criminal Code of Practice,

Together with an amendment proposed thereto by the Senate.

Said amendment is as follows, viz: "Strike out the word

'ten,' in lines four and five, and insert in lieu thereof the word 'fifteen.'''

Said amendment was concurred in.

The yeas and nays being required thereon by Messrs. Gardner and Tinsley, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	W. F. Peak,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
Posey D. Ball,	Geo. T. Halbert,	E. M. Pryse,
B. F. Bennett,	Thos. H. Hanks,	A. T. Pullen,
B. T. Birkhead,	U. G. Harlow,	I. M. Quigley,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
A. J. Carroll,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	C. C. Spalding,
R. F. Comer,	J. S. Joplin,	W. W. Stephenson,
L. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	Lewis E. Thomas,
J. E. Durham,	C. W. Mathers,	J. R. Thomas,
McD. Ferguson,	John S. May,	Geo. E. Willett,
John Finn,	W. F. Neat,	John D. Woods—53.
George Will. Follis,	Eli Nicholls,	

Those who voted in the negative, were—

W. J. Cox,	P. R. Hays,	John M. Tinsley—5.
Ben. F. Gardner.	Fenton Sims,	

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Thos. S. Pettit,
W. W. Ayres,	J. C. Glenn,	J. F. Porter,
W. S. Bailey,	S. M. Gough,	E. M. Pryse,
Posey D. Ball,	Geo. T. Halbert,	A. T. Pullen,
B. F. Bennett,	Thos. H. Hanks,	I. M. Quigley,
B. T. Birkhead,	U. G. Harlow,	C. D. Reed,
John Botts,	A. L. Harned,	D. H. Severs,
P. S. Bruner,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	C. C. Spalding,

B. E. Caudill,	Daniel James,	W. W. Stephenson,
R. F. Comer,	J. S. Joplin,	W. R. Stewart,
L. J. Cox,	T. S. Kirk,	J. R. Summers,
J. S. Cullen,	Henry Kremer,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
J. E. Durham,	C. W. Mathers,	John M. Tinsley,
McD. Ferguson,	John S. May,	D. W. Tribble,
John Finn,	W. F. Neat,	Geo. E. Willett,
George Will. Follis,	Eli Nicholls,	John D. Woods—54.

Those who voted in the negative, were—

Ben. F. Gardner,	R. M. Kincheloe,	Fenton Sims—5.
P. R. Hays,	W. F. Peak,	

Mr. Gardner moved that a committee of two be appointed to wait upon the Senate and ask to withdraw from that body

S. B. 75. An act relating to claims upon the Treasury.

Said motion was agreed to.

The Chair appointed Messrs. Gardner and Pettit as said committee.

Mr. Kremer, from the Committee on Municipalities, to which the same had been recommitted, reported a bill, entitled

S. B. 216. An act for the government of cities of the first class.

Said bill was read the second time by its title,

The constitutional provision as to the reading of said bill at length the second time being dispensed with,

Ordered, That said bill be made the special order for 11 o'clock, A. M., Wednesday, March 29th, 1893.

Mr. Ball, from the Committee on Municipalities, to which the same had been referred, reported a bill, entitled

S. B. 210. An act for the government of cities of the third class.

Said bill was read the first time at length, ordered to be printed, read a second time on another day, and recommitted to said committee.

And then the House adjourned.

MONDAY, MARCH 27, 1893.

The House was opened with prayer by Rev. Father Gorey, of the Catholic Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. C. Glenn,	Eli Nicholls,
W. W. Ayres,	S. M. Gough,	W. F. Peak,
John T. Bashaw,	Geo. T. Halbert,	Thos. S. Pettit,
B. F. Bennett,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
John Botts,	P. R. Hays,	A. T. Pullen,
P. S. Bruner,	W. J. Hissem,	C. D. Reed,
Polk Cansler,	Berry Howard,	John Ryan,
B. E. Caudill,	F. W. Hutcheson,	D. H. Severs,
R. F. Comer,	Daniel James,	W. W. Stephenson,
L. J. Cox,	J. S. Joplin,	W. R. Stewart,
W. J. Cox,	R. M. Kincheloe,	J. R. Summers,
J. S. Cullen,	Lewis Y. Leavell,	Lewis E. Thomas,
E. M. Dickson,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	W. H. May,	John M. Tinsley,
McD. Ferguson,	John S. May,	Geo. E. Willett,
John Finn,	W. F. Neat,	John D. Woods—52.
George Will. Follis,		

The following members were absent, viz :

Lewis Alexander, Sr.,	Ben. F. Gardner,	John Lee Payne,
T. J. Arnett,	J. P. Gay,	J. A. Perkins,
W. S. Bailey,	Thos. H. Hanks,	Granville Philpot,
Posey D. Ball,	R. K. Hart,	I. M. Quigley,
John Bartman,	H. K. Hay,	R. E. Roberts,
R. F. Bass,	B. B. Hensley,	Waller Sharp,
W. P. Beard,	W. W. Johnson,	S. H. Shouse,
A. J. Carroll,	T. S. Kirk,	Fenton Sims,
A. H. Charlton,	Henry Kremer,	C. C. Spalding,
F. P. Combest,	William Krieger,	Samuel O. Tate,
Wesley Crow,	John M. Letterle,	D. W. Tribble,
J. M. Dawson, Jr.,	H. P. Lively,	N. S. Walton,
James R. Dean,	Hiram McElroy,	J. H. Welch,
D. B. Edmiston,	M. D. McInerney,	H. P. Whitaker,
J. M. Frazee,	Harvey Myers,	B. F. Willett,
Wm. Garrison,	J. P. O'Meara,	R. B. Wilson—48.

The Journal of Saturday was approved.

Indefinite leave of absence was granted Messrs. Johnson and Kirk.

The Speaker laid before the House the following communication from the Superintendent of the Institution for the Education and Training of Feeble-minded Children :

FRANKFORT, KY., March 25, 1893.

HON. W. M. MOORE, *Speaker of the House of Representatives* :

SIR: In response to a House resolution of recent date, requesting the Superintendent of the School for Feeble-minded Children to give the House, at his earliest convenience, the following information :

Question 1. To give the total number of inmates in the school, those reported to the Auditor, and those kept in the institution not reported to the Auditor.

At this date there are 153 pupils reported to the Auditor. The number not reported to the Auditor, but retained in the institution for their labor, 7—2 girls and 5 boys.

Q. 2. The number of pay pupils who reside in the State, and then those residing out of the State.

The number of pay pupils who reside in the State, 18. The number of pay pupils out of the State, 4.

Q. 3. The number of inmates under his care 21 years of age and over.

Number of inmates 21 years of age and over, 42—14 girls and 28 boys.

Q. 4. The number who have been inmates of the school for 5 years and longer, and give the length of time they have been there.

Seven inmates have been here 5 years ; 8, 6 years ; 9, 7 years ; 6, 8 years ; 8, 9 years ; 3, 10 years ; 5, 11 years ; 4, 12 years ; 4, 13 years ; 1, 14 years ; 5, 15 years ; 3, 16 years ; 3, 17 years ; 3, 18 years ; 1, 19 years ; 1, 20 years ; 2, 21 years ; 1, 22 years ; 1, 23 years ; 1, 24 years ; 1, 28 years. Those who have been here for 12 years and over are kept as help about the institution, thus diminishing the number of employes, which otherwise it would be necessary to have.

Q. 5. The number of children who have sufficient mind to

acquire a common school education in the common schools of their counties, if kept in school during the ten months as allowed by our school law, if proper pains be taken with them.

With the present method in use in the common schools, none of them could have been educated.

Q. 6. How many inmates have you who cannot be made self-supporting, if kept and taught in this school for five years from time of admission?

Our children go to school only half a day for five days of the week; the other half day they are instructed in the industrial departments. We receive them from 6 years of age to 18 years. The average time they remain in the school is 10 years, some of them arriving much earlier at a condition of self-support than others, so that it is manifestly impossible that children of feeble minds should be made self-supporting in five years. The bright children are allowed the privileges of the common schools for 14 years. Certainly you could not expect a feeble-minded child to be made self-supporting in five years.

Q. 7. How many boys and girls, or what per cent. have been made self-supporting, who have gone from your school. In what avocations in life have they been most successful?

In the last three years, there have been discharged as able to support themselves, 46 persons, or about 45 per cent. The other 55 per cent. includes quite a number of idiots who were received and discharged in a few days or weeks after they were admitted. So that if these were eliminated from the 55 per cent., it would materially increase the percentage of those who had been sent away as self-supporting. The remainder of the 55 per cent. were improved so much that they were no longer a constant care to those in whose families they were, but were, to a very great extent, partially self-supporting.

They have been successful as farmers, carpenters and shoemakers, seamstresses, housekeepers and laundresses.

Respectfully,

JOHN Q. A. STEWART, *Superintendent.*

Ordered, That said communication be printed.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz:

H. B. 422. An act permitting the court of claims or fiscal courts of this Commonwealth to appropriate certain funds belonging to the counties or districts thereof in aid of the construction or repair of turnpikes in said counties ;

H. B. 461. An act concerning the Secretary of State ;

H. B. 469. An act concerning the seal of the Commonwealth and the seal of the Secretary of State ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk reported that he had performed said duty.

Mr. Pettit, from the special committee appointed to wait upon the Senate, and ask the withdrawal from that body of same, reported that he had discharged the duty assigned him, and returned the following bills to the House, viz :

S. B. 75. An act relating to claims upon the Treasury.

S. B. 82. An act relating to voluntary assignments for the benefit of creditors.

Ordered, That said bills be placed in the orders of the day.

Mr. Mathers moved to reconsider the vote by which the House adopted a resolution moved by him on Saturday making inquiry of the Superintendent of the Central Lunatic Asylum as to boarding assistant physicians and their families.

Said motion was adopted.

Mr. Mathers was granted unanimous consent to withdraw said resolution.

The House took from the orders of the day bills of the following titles, viz :

S. B. 228. An act to amend an act, entitled "An act creating fiscal courts in the several counties in this Commonwealth," approved October 17, 1892.

H. B. 489. A bill to appropriate money to reimburse A. L. Harned for money expended in his contest.

H. B. 490. A bill to appropriate money for building or repairing shops in the State prison in the city of Frankfort, providing for the execution of the work.

Said bills were severally read the second time by their titles,

The constitutional provision as to the second reading of said bills at length being dispensed with.

The House took up for consideration the unfinished business of Saturday, viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Mr. Cansler moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was adopted.

Mr. Cansler moved to amend section 87 by inserting after the word "notice," in line 31, these words: "*Provided*, That the old board of trustees may elect a teacher for the ensuing year, if the two trustees holding over concur in the election of said teacher."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Cansler and Finn, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	Lewis Y. Leavell,
W. W. Ayres,	George Will. Follis,	J. F. Porter,
John T. Bashaw,	J. C. Glenn,	E. M. Pryse,
P. S. Bruner,	S. M. Gough,	C. D. Reed,
Polk Cansler,	A. L. Harned,	J. R. Summers,
J. E. Durham,	P. R. Hays,	J. R. Thomas,
McD. Ferguson,	Daniel James,	Geo. E. Willett—21.

Those who voted in the negative, were—

B. F. Bennett,	W. J. Hissem,	Thos. S. Pettit,
John Botts,	Berry Howard,	A. T. Pullen,
B. E. Caudill,	F. W. Hutcheson,	I. M. Quigley,
R. F. Cauder,	R. M. Kincheloe,	R. E. Roberts,
L. J. Cox,	C. W. Mathers,	John Ryan,
W. J. Cox,	W. H. May,	Fenton Sims,

J. S. Cullen,	John S. May,	W. W. Stephenson,
J. M. Dawson, Jr.,	W. F. Neat,	W. R. Stewart,
Geo. T. Halbert,	Eli Nicholls,	John M. Tinsley,
Thos. H. Hanks,	W. F. Peak,	John D. Woods—31.
U. G. Harlow,		

Mr. W. J. Cox moved to amend section 96 by adding after the word "begin," in line six, these words: "No teacher shall be employed until after the election and qualification of the new board of trustees."

Said amendment was adopted.

Mr. Nicholls moved to amend section 96 by striking out of line six the word "June," and inserting in lieu thereof the word "July."

Said amendment was adopted.

Mr. Hanks moved to amend section 87 by adding to line five these words: "The trustees shall be elected on the first Saturday in June, and shall be qualified before the second Monday following their election, and said board shall elect the teacher for the ensuing year, and at a regular meeting of the board."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. John S. May and Halbert, were as follows, viz:

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	U. G. Harlow,	J. F. Porter,
John Botts,	P. R. Hays,	A. T. Pullen,
R. F. Comer,	W. J. Hissem,	Fenton Sims,
W. J. Cox,	F. W. Hutcheson,	W. W. Stephenson,
J. M. Dawson, Jr.,	W. H. May,	J. R. Summers,
J. E. Durham,	John S. May,	Lewis E. Thomas,
S. M. Gough,	W. F. Neat,	John M. Tinsley,
Geo. T. Halbert,	Eli Nicholls,	John D. Woods—25.
Thos. H. Hanks,		

Those who voted in the negative, were—

W. W. Ayres,	George Will. Follis,	E. M. Pryse,
B. F. Bennett,	J. C. Glenn,	I. M. Quigley,
B. T. Birkhead,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	Berry Howard,	John Ryan,
Polk Cansler,	Daniel James,	D. H. Severs,
B. E. Caudill,	J. S. Joplin,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,
McD. Ferguson,	W. F. Peak,	Geo. E. Willett—26.
John Finn,	Thos. S. Pettit,	

Mr. Gough moved to amend section 98 by striking out the word "five" in line fifteen.

Said amendment was rejected.

Ordered, That said bill be read the third time.

Mr. Severs moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

TUESDAY, MARCH 28, 1893.

The House was opened with prayer by Rev. Father Gorey, of the Catholic Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. C. Glenn,	W. F. Peak,
Lewis Alexander, Sr.,	S. M. Gough,	Thos. S. Pettit,
W. W. Ayres,	Geo. T. Halbert,	J. F. Porter,
W. S. Bailey,	Thos. H. Hanks,	E. M. Pryse,
John T. Bashaw,	U. G. Harlow,	A. T. Pullen,
B. F. Bennett,	A. L. Harned,	C. D. Reed,
B. T. Birkhead,	P. R. Hays,	John Ryan,
John Botts,	W. J. Hissem,	S. H. Shouse,
P. S. Bruner,	Berry Howard,	C. C. Spalding,
Polk Cansler,	F. W. Hutcheson,	W. W. Stephenson,
B. E. Caudill,	Daniel James,	W. R. Stewart,
R. F. Comer,	J. S. Joplin,	J. R. Summers,
L. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
W. J. Cox,	Lewis Y. Leavell,	J. R. Thomas,
J. S. Cullen,	W. H. May,	John M. Tinsley,
J. M. Dawson, Jr.,	John S. May,	D. W. Tribble,
J. E. Durham,	Hiram McElroy,	N. S. Walton,
McD. Ferguson,	W. F. Neat,	Geo. E. Willett,
John Finn,	Eli Nicholls,	John D. Woods—58.
George Will. Follis,		

The following members were absent, viz :

T. J. Arnett,	Ben. F. Gardner,	J. P. O'Meara,
Posey D. Ball,	J. P. Gay,	John Lee Payne,

John Bartman,	R. K. Hart,	J. A. Perkins,
R. F. Bass,	H. K. Hay,	Granville Philpot,
W. P. Beard,	B. B. Hensley,	I. M. Quigley,
A. J. Carroll,	W. W. Johnson,	R. E. Roberts,
A. H. Charlton,	T. S. Kirk,	D. H. Severs,
F. P. Combest,	Henry Kremer,	Waller Sharp,
Wesley Crow,	William Krieger,	Fenton Sims,
James R. Dean,	John M. Letterle,	Samuel O. Tate,
E. M. Dickson,	H. P. Lively,	J. H. Welch,
D. B. Edmiston,	C. W. Mathers,	H. P. Whitaker,
J. M. Frazee,	M. D. McInerney,	B. F. Willett,
Wm. Garrison,	Harvey Myers,	R. B. Wilson—42.

The reading of the Journal of yesterday's proceedings was dispensed with, and the said Journal approved.

The Speaker laid before the House the two following communications from the Commissioners of the Sinking Fund, viz :

STATE OF KENTUCKY,
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,
FRANKFORT, March 27, 1893. }

HON. W. M. MOORE, *Speaker of the House of Representatives :*

SIR: I have the honor to transmit to your honorable body herewith a copy of a resolution adopted by the Board of Sinking Fund Commissioners this day.

Very truly yours,

L. C. NORMAN, *Auditor.*

On motion of Auditor L. C. Norman, the following resolution was adopted :

WHEREAS, The present mode of leasing the convict labor of the State, imposed by existing laws, still retains some of the more objectionable features of the old "keeper system," long since abandoned in this, as well as other enlightened and civilized State governments; and whereas, the lease of the Mason & Foard Company is about to expire at the Frankfort Penitentiary, and a surrender can readily be obtained of the contract for the lease of the Eddyville Penitentiary; therefore, be it

Resolved by this Board, That the Legislature be requested to adopt a system of law by which, in addition to preserving the better provisions of the present law, the State shall undertake to feed, clothe and guard these unfortunate human beings intrusted to her care through her own agency and under careful and proper regulations to be made by the State, and carried into execution by officers of her own selection, in order that no-

further contract shall be made covering any other condition than the lease of the labor only, or such part thereof as can be advantageously effected from time to time; be it further

Resolved, That these resolutions be at once transmitted to each House of the General Assembly by the Secretary of the Board, with the request that such action be taken thereon as in their judgment required by existing circumstances.

STATE OF KENTUCKY,
OFFICE AUDITOR OF PUBLIC ACCOUNTS,
FRANKFORT, March 27, 1893. }

Hon. W. M. MOORE, *Speaker of the House of Representatives* :

SIR: I have the honor to transmit to you herewith a copy of a resolution this day adopted by the Board of Sinking Fund Commissioners.

Very respectfully,

L. C. NORMAN, *Auditor*.

On motion, the following resolution, offered by Wm. J. Hendrick, Attorney-General, was adopted :

WHEREAS, It is desirable to operate the convict labor of Kentucky without loss to the State, and with as little competition as possible with free labor; and whereas, the Commissioners of the Sinking Fund, after thorough advertisement, have failed to receive any bids for the convict labor confined in the penitentiary at Frankfort; and whereas, a crying need of many portions of the State for good roads upon which convict labor can be worked under the law, and in small competition with free labor; therefore, be it

Resolved, That a copy of this resolution be furnished the Speakers of the two Houses of the General Assembly now in session, with the suggestion from this board that the best solution that the board can suggest of the penitentiary problem is a law providing for the work of the convicts upon the public roads of the Commonwealth, under a comprehensive road law to be devised and perfected by the Legislature.

Ordered, That said communications be referred to the Committee on State Prisons and House of Reform.

The following bills were reported by the several committees to which they had been referred, viz :

By Mr. Halbert, from the Committee on General Statutes—

S. B. 227. An act concerning notaries public.

By same—

S. B. 214. An act concerning office and officer.

By Mr. Bennett, from same committee—

H. B. 491. An act to prohibit cattle from running at large unattended in this Commonwealth.

By Mr. Shouse, from the Committee on Agriculture and Manufactures—

H. B. 480. A bill to protect the fish in the waters of this State.

Said bills were severally read the first time at length, and ordered to be printed, and read a second time on another day.

By Mr. Sims, from the Committee on the Judiciary—

H. B. 388. A bill relating to roads and passways.

With a substitute proposed by the committee for said bill and all amendments.

Ordered, That said bill be placed in the orders of the day, and that said substitute be printed.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 184. An act in relation to circuit court judges in counties having a population of not less than fifty thousand and not more than seventy-five thousand inhabitants,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

The House took from the orders of the day the unfinished business therein, viz :

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

Said bill, as amended, was read the third time by its title,

The constitutional provision as to the third reading of said bill at length being dispensed with, and was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. C. Glenn,	J. F. Porter,
Lewis Alexander, Sr.,	S. M. Gough,	E. M. Pryse,
W. W. Ayres,	Geo. T. Halbert,	A. T. Pullen,
W. S. Bailey,	U. G. Harlow,	I. M. Quigley,
John Bartman,	A. L. Harned,	C. D. Reed,
B. F. Bennett,	P. R. Hays,	R. E. Roberts,
B. T. Birkhead,	W. J. Hissem,	John Ryan,
P. S. Bruner,	Berry Howard,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	C. C. Spalding,
A. J. Carroll,	Daniel James,	W. W. Stephenson,
B. E. Caudill,	J. S. Joplin,	W. R. Stewart,
R. F. Comer,	Henry Kremer,	J. R. Summers,
L. J. Cox,	Lewis Y. Leavell,	J. R. Thomas,
W. J. Cox,	W. H. May,	John M. Tinsley,
J. S. Cullen,	Hiram McElroy,	D. W. Tribble,
J. E. Durham,	W. F. Neat,	Geo. E. Willett,
McD. Ferguson,	Eli Nicholls,	R. B. Wilson,
John Finn,	W. F. Peak,	John D. Woods—56.
George Will. Follis,	Thos. S. Pettit,	

Those who voted in the negative, were—

John T. Bashaw,	J. P. Gay,	R. M. Kincheloe,
J. M. Dawson, Jr.,	Thos. H. Hanks,	Fenton Sims—6.

The House also took from the orders of the day

S. B. 228. An act to amend an act, entitled “An act creating fiscal courts in the several counties in this Commonwealth,” approved October 17, 1892.

Mr. Peak offered an amendment to said bill, which was disagreed to.

Ordered, That said bill be read the third time.

Said bill was read a third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That section six of an act, entitled “An act creating fiscal courts in the several counties in this Commonwealth,” approved October 17, 1892, be, and the same is hereby, amended so as to read as follows, to wit: “The fiscal court shall be a court of record, and shall hold two regular terms in each year, commencing on the first Tuesday of April and October, and continue until the business of the court is disposed of. But the county court of any county may, by

an order of record, fix a different date for the commencement of said terms, provided that one of said terms shall be held in October. The county judge shall have power to call a special term of said court for the transaction of any business of which the court has jurisdiction. Whenever the necessity exists for a special session, and when the county judge is unable to act, the special session may be called by a majority of the court."

§ 2. By reason of a conflict between the terms of certain circuit and fiscal courts, both of which require the presence and services of the county attorney, an emergency exists for the immediate taking effect of this act, and, therefore, this act shall take effect from its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative. were—

Lewis Alexander, Sr.,	S. M. Gough,	J. F. Porter,
W. W. Ayres,	Geo. T. Halbert,	E. M. Pryse,
W. S. Bailey,	Thos. H. Hanks,	A. T. Pullen,
John Bartman,	U. G. Harlow,	I. M. Quigley,
John T. Bashaw,	A. L. Harned,	C. D. Reed,
B. T. Birkhead,	P. R. Hays,	R. E. Roberts,
P. S. Bruner,	W. J. Hissem,	John Ryan,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
A. J. Carroll,	Daniel James,	C. C. Spalding,
B. E. Caudill,	J. S. Joplin,	W. W. Stephenson,
R. F. Comer,	R. M. Kincheloe,	W. R. Stewart,
L. J. Cox,	Henry Kremer,	J. R. Summers,
W. J. Cox,	Lewis Y. Leavell,	Lewis E. Thomas,
J. S. Cullen,	W. H. May,	J. R. Thomas,
J. M. Dawson, Jr.,	Hiram McElroy,	John M. Tinsley,
McD. Ferguson,	W. F. Neat,	Geo. E. Willett,
John Finn,	Eli Nicholls,	R. B. Wilson,
George Will. Follis,	W. F. Peak,	John D. Woods—56.
J. C. Glenn,	Thos. S. Pettit,	

In the negative—B. F. Bennett—1.

The House took from the orders of the day S. B. 205, entitled
An act concerning jailers.

Mr. Cansler offered an amendment to said bill, which was disagreed to.

Ordered. That said bill be read the third time.

Said bill was read a third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The jailer of each county shall, before he enters upon the

duties of his office, in addition to the oaths prescribed by the Constitution, be sworn to diligently and impartially execute the same, and he must execute bond to the Commonwealth in the county court of the county in which he is elected, with good surety, to be approved by the court, conditioned for the faithful discharge of the duties of his office, which bond shall be attested by the clerk, and entered of record in his office, and may be put in suit from time to time by any person injured by the act or omission of the jailer, and shall be held to embrace every duty required of him by law.

§ 2. The jailer shall be an officer of the circuit and county courts for his county, and as such shall discharge and perform all the duties and acts prescribed by law.

§ 3. The jailer of each county shall receive and keep all persons in the jail who shall be lawfully committed thereto, until they are lawfully discharged. He shall treat them with humanity, and furnish them with proper food and lodging during their confinement, and shall deliver such as die in jail to their friends, if requested, or have them decently buried at the expense of the county.

§ 4. The United States shall have the right to use the jail of any county by paying the jailer the same fees allowed by the laws of this State. Any jailer shall receive and confine in jail persons committed under the laws of the United States, until lawfully discharged.

§ 5. Any city or town shall have the right to use the jail of the county in which it is situated by paying the jailer the same fees allowed by the State, and a jailer shall receive and confine in jail, until lawfully discharged, all persons committed for a violation of the laws or ordinances of any city or town.

§ 6. Each jailer shall have the custody, rule and charge of the jail in his county, and of all persons in the jail, and shall keep the same himself or by his deputy. He shall not reside more than four hundred yards from the jail, and where it is such as admits the residence of a family therein, he shall reside in the jail. A violation of this or either of the two preceding sections shall be deemed a misfeasance in office, and the county court may fine the jailer therefor, or he may be indicted and fined at the discretion of a jury.

§ 7. Each jailer, when he goes out of office, shall deliver to his successor the custody of the jail, with its keys, furniture and appurtenances, and the persons confined therein, with all warrants, mittimuses, and other official papers by which prisoners shall have been committed to his custody or by which they have been liberated therefrom.

§ 8. When the jailer is legally committed to jail, or, from any cause, the office of jailer of any county shall become vacant, the sheriff of the county shall take the custody of the jail, and of the prisoners therein, and perform all the duties of jailer until he is legally discharged from jail, or until a successor to the jailer shall be elected or appointed and qualified.

§ 9. If, for any cause, the sheriff can not or ought not to act, the county judge may so certify, and, in writing, designate a responsible person, who shall act for the occasion.

§ 10. It shall be the duty of the county court, from time to time, to prescribe rules for the government and cleanliness of the jail and the comfort and treatment of prisoners, and shall have power, by fine, to enforce the rules, and punish the jailer for disobedience thereto, or for neglect of his official duties.

§ 11. Process from any court may, in a civil, penal or criminal case, be executed by the jailer of the county, and in all such cases the law applicable to sheriff shall govern the jailer.

§ 12. The county judge shall inspect the jail of his county at least once a month.

§ 13. It shall be the duty of the jailer to keep the jail clean and free from nauseous odors; he shall at all times keep the same comfortably warm, and shall at all times provide prisoners confined in the jail with a sufficiency of bed-clothing to make them comfortable, such bed-clothing to be paid for out of the county levy.

§ 14. Any jailer may, by and with the approval of the county court, appoint one deputy, and shall be liable on his official bond for the conduct of such deputy. The deputy shall have all the powers of the jailer, and shall be subject to the same penalties, and may be removed at any time by the jailer.

ARTICLE II. REMOVAL OF PRISONERS FROM INSECURE JAIL.

§ 1. If in any county of this Commonwealth there is no jail, or the same is insecure, or there is danger, or probable danger, that any person confined therein, under any order or process of the circuit court, or held to answer any charge in said court, will be rescued therefrom by violence, the judge of the circuit court for said county shall, by an order made of record, if said court is in session, or if the court is not in session, by his written order, filed with the clerk of said court, direct that such person shall be transferred to the jail of the nearest county in which the jail is secure, and it shall be deemed that he can be safely kept. If the circuit judge is not in the county, the order of transfer may be made by the county judge, who shall deliver the same, or a copy thereof, to the circuit clerk for revision by the circuit court.

§ 2. The court, or judge thereof, may, for any of the causes stated in the first section of this article, and in the same manner, make a general order requiring all persons confined, for the reasons in said section stated, in the jail of any county in his district, to be transferred to the nearest jail that is secure, and where they can be safely kept. Where any such order is made, and a copy of it furnished the jailer of the county designated, he shall receive all such prisoners.

§ 3. Where an order is made as directed by the former sections of this article, the sheriff, or, if there is no sheriff, the coroner, shall, immediately upon the receipt of a copy of the order of the judge or court, transfer the prisoners to the jail of the county designated in

the order. He shall deliver to the jailer of said county at the jail the prisoner and the copy of said order, and take from him a receipt for the prisoner, which he shall return to the clerk's office of the circuit court of the county from which the removal was made. The clerk shall file the same amongst the records of his office. The jailer shall receive the prisoners, and them safely keep, until properly discharged; and if he fail, neglect or refuse to do so, he and his sureties shall be liable, in the same manner and to the same extent, as if the persons had been regularly committed by an order of the circuit court of his county; and shall receive the same fees, to be paid as like fees are now, by law, paid for the like service. The officer conveying the prisoners to the jail designated, and such guards as the judge or court may direct him to take, not exceeding the number of guards allowed in taking convicts to the penitentiary, shall receive the same compensation and mileage that they are now allowed by law for taking convicts to the penitentiary, to be allowed by the circuit court or judge directing the transfer, and paid out of the State Treasury, unless there was no jail in the county, or it was rendered insecure by reason of the failure of the county court to keep it in the requisite condition, then it shall be paid out of the county levy of the county, and the court, in making the allowance, shall state in the order out of which fund it shall be paid. The order of the court or judge directing the transfer shall be conclusive evidence that the transfer was proper, and to the right jail, and shall be a justification to the jailer for holding any such prisoner in any action against him for false imprisonment. A circuit judge shall have jurisdiction to hear applications for bail and to grant the same, if the case is bailable, in the manner now prescribed by law.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	George Will Follis,	W. F. Neat,
Lewis Alexander, Sr.,	J. C. Glenn,	Eli Nicholls,
W. W. Ayres,	S. M. Gough,	W. F. Peak,
John Bartman,	Geo. T. Halbert,	J. F. Porter,
John T. Bashaw,	Thos. H. Hanks,	A. T. Pullen,
B. F. Bennett,	U. G. Harlow,	C. D. Reed,
B. T. Birkhead,	A. L. Harned,	R. E. Roberts,
P. S. Bruner,	P. R. Hays,	S. H. Shouse,
Polk Cansler,	W. J. Hissem,	Fenton Sims,
A. J. Carroll,	F. W. Hutcheson,	W. W. Stephenson,
B. E. Caudill,	Daniel James,	W. R. Stewart,
R. F. Comer,	J. S. Joplin,	J. R. Summers,
L. J. Cox,	R. M. Kincheloe,	John M. Tinsley,
J. S. Cullen,	Henry Kremer,	N. S. Walton,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	Geo. E. Willett,

J. E. Durham,
McD. Ferguson,
John Finn,

W. H. May,
John S. May,
Hiram McElroy,

R. B. Wilson,
John D. Woods—53.

In the negative—none.

The House took from the orders of the day

S. B. 213. An act relating to evidence.

Said bill is as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The several courts of this Commonwealth shall take judicial notice of all acts and resolutions of the General Assembly.

§ 2. All courts, tribunals and officers shall take notice of the official signature of any officer of this State, of the United States, or of any State or Territory in the United States.

§ 3. Copies of the Journal of either House of the General Assembly, printed by the State, shall be received as evidence for any purpose for which the original Journal could be received.

§ 4. A copy of any record or paper, properly filed or lodged in the clerk's office of any court, or of the Secretary of State, Treasurer, Register, or Auditor, or of the surveyor of the county, or assessor's books, attested by the person having the legal custody thereof, shall, upon proof of the execution of the original, be admitted as evidence in lieu thereof.

§ 5. A copy of any such writing as is embraced in the preceding section may be filed in a suit thereon, and the defendant shall plead thereto as if the original were filed.

§ 6. A copy from the mayor's office of any city, or from the official books of any town or religious society, of an ordinance or by-law for the rule of such city, town or society, attested by the keeper thereof, shall be evidence for any purpose for which the original could be received.

§ 7. A copy from an entry in a clerk's or justice's execution book, of the date of an execution that issued from such office, and to whom delivered, and when returnable, shall be evidence in any proceeding against the officer and his sureties to whom it shall be entered as delivered.

§ 8. The certificate of the Auditor of Public Accounts of the fact, and of the time of the return of any real estate as delinquent, or of the sale thereof for taxes, or forfeiture for non payment of taxes, or for other cause, or concerning the redemption thereof, shall be *prima facie* evidence of the facts therein stated.

§ 9. Any county court may order any of the books or records in the clerk's office of such court, or in the office of the surveyor of the county, to be re-bound, or when obliterated, torn, or in a ruinous condition, to be transcribed in new books, and shall make a reasonable allowance therefor, which shall be chargeable to the county.

§ 10. All courts having jurisdiction greater than the county court .

shall have the same power over the books and papers in their respective clerk's offices as is conferred in the preceding section upon the county courts. All expense incurred by such courts in this regard shall be paid out of the county levy as other claims, except that such expenses incurred by the Court of Appeals shall be paid out of the State Treasury, upon the warrant of the Auditor, to be issued when the order of court directing the expense incurred, and a statement of the cost of the same, is filed in his office.

§ 11. Any book so transcribed, examined by the judge of the court, and an order made on the records of the court the same is correct, shall have the same faith and credit that the book or record transcribed was entitled to.

§ 12. The records and judicial proceedings of any court of any State, attested by the clerk thereof, with the seal of the court annexed, if there be a seal, and certified by the judge, Chief Justice, or presiding magistrate of the court, to be attested in due form, shall have such faith and credit given to them in this State as they would have at the place whence the said records come. The record and judicial proceedings of any court of the United States, attested by the clerk thereof, with the seal of the court annexed, if there be a seal, shall have such faith and credit given to them in this Commonwealth as they would have in the courts of the United States.

§ 13. All records and exemplifications of office books kept in any public office of the United States, or of a sister State, not appertaining to a court, shall be evidence in this State, if attested by the keeper of such record or books, and the seal of his office, if there be a seal.

§ 14. Exemplifications from the books of the Executive Department of the United States, or any papers filed therein, shall be evidence when attested by the President, or the chief of either of the departments, or from any State or Territory, of like books or papers when attested by the Governor or the Secretary of State thereof, under his official seal.

§ 15. A copy from the record-books of any court or of any register of births and marriages, or other instruments of writing, or a copy of any law or ordinance of any State, nation, province, colony, city or town out of the United States, if the same shall have been registered in due form, according to the laws of such sovereignty, certified and attested by the keeper of such record or register, and the attestation certified under his official seal, by any Consul, Charge d'Affaires or Minister of the United States, resident within the sovereignty where the record is kept, shall be evidence in this State.

§ 16. If any person who shall have resided in this State go from and do not return to this State for seven successive years, he shall be presumed to be dead in any case wherein his death shall come in question, unless proof be made that he was alive within that time.

§ 17. The unwritten or common law of any other of the United States may be proved as facts by the parol evidence of persons learned in that law. The printed books of cases adjudged in the

courts of a sister State may also be admitted as evidence of such law.

§ 18. The existence and the tenor or effect of all foreign laws beyond the limits of the United States may be proved by the parol evidence of persons learned in those laws; but if it appear that law in question is contained in written statute, the court may reject such parol evidence, unless it be accompanied by a copy of the statute.

§ 19. The printed laws of the United States, or of any State or Territory thereof, which have been or shall be received in the Secretary's office of this State, and which shall have been printed under the authority of the United States, or such State or Territory, or a copy thereof, when duly certified by the Secretary of State for this Commonwealth, shall be admitted and received as evidence of such laws.

§ 20. When any papers of any suit pending or decided in any court have been lost, destroyed or defaced, or obliterated, and there is in existence an attested copy thereof, such copy may be filed in the office where such papers belonged, in lieu of the originals, and shall be *prima facie* evidence of the contents of such originals, and used as such originals could have been in all after proceedings in the suits to which such papers belonged: *Provided, however,* That the party whose rights or interests are affected by the filing of such copies, if a resident of the State, or his attorney, shall be notified thereof, and may, at the next succeeding term of the court, move to strike such copies from the files, on which motion the court may hear and decide in regard to the correctness of such copies, and may, if justice so require, strike them from the files of the court.

§ 21. Any printed volume or pamphlet of laws of any State or Territory, showing on its face that it was published by authority of such State or Territory, shall be *prima facie* evidence of the laws contained therein.

§ 22. In all criminal and penal prosecutions now pending or hereafter instituted in any of the courts of this Commonwealth, the defendant on trial, on his own request, shall be allowed to testify in his own behalf; but his failure to do so shall not be commented upon, or be allowed to create any presumption against him.

§ 23. The defendant requesting that he be allowed to testify shall not be allowed to testify in chief after any other witness has testified for the defense.

§ 24. If two or more persons are jointly indicted, they may testify for each other, unless a conspiracy is charged in the indictment, and proven to the satisfaction of the court.

§ 25. If a conspiracy is charged in the indictment, and proven to the satisfaction of the court, then each defendant named in the indictment may testify on his own behalf, as above provided.

§ 26. In any action, prosecution or proceeding, civil or criminal, which is now pending or may be commenced hereafter, upon a dispute as to the genuineness of the handwriting of a person, other handwritings of such person, though not in the case for any other

purpose, may be introduced for the purpose of comparison by witnesses with the writing in dispute, and such writings, and the testimony of witnesses respecting them, may be submitted to the court or jury as evidence concerning the genuineness of the writing in dispute: *Provided*, 1. That the genuineness of such writings shall be proved to the satisfaction of the judge by other than opinion evidence; 2. It must be proved to the satisfaction of the judge that they were written before any controversy arose as to the genuineness of the writing in dispute, and that no fraud was practiced in their selection; 3. A party proposing to introduce such writings must give reasonable notice of his intention to the opposite party, or his attorney, with reasonable opportunity to examine them before the commencement of the trial; 4. The judge may limit the number of such writings; 5. An error of the judge shall be subject to revision and correction in the same manner as if the error had been committed by the court.

Mr. Halbert moved that said bill be considered section by section.

Said motion was agreed to.

Sections 1 to 19, both inclusive, were severally read and adopted without amendment.

The following amendment, heretofore offered by the Committee on Codes of Practice, viz :

Amend section 20 by inserting after the words "at the next succeeding term of court" the words "or at any earlier time upon notice to the adverse party or his attorney,"

Was read and agreed to.

Section 20, as amended, was adopted.

Section 21 was adopted.

Mr. Sims moved to amend the bill by striking out sections 22, 23, 24, 25 and 26.

Said motion was agreed to.

Ordered, That said bill, as amended, be read a third time.

Said bill, as amended, was read a third by its title, the reading of same a third time at length being dispensed with, and said bill was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore), S. M. Gough,	Thos. S. Pettit,
Lewis Alexander, Sr., Geo. T. Halbert,	J. F. Porter,

John Bartman,	Thos. H. Hanks,	E. M. Pryse,
John T. Bashaw,	A. L. Harned,	A. T. Pullen,
B. F. Bennett,	P. R. Hays,	I. M. Quigley,
B. T. Birkhead,	W. J. Hissem,	C. D. Reed,
John Botts,	F. W. Hutcheson,	R. E. Roberts,
P. S. Bruner,	Daniel James,	John Ryan,
Polk Cansler,	J. S. Joplin,	S. H. Shouse,
B. E. Caudill,	R. M. Kincheloe,	Fenton Sims,
R. F. Comer,	Henry Kremer,	C. C. Spalding,
L. J. Cox,	W. H. May,	W. W. Stephenson,
W. J. Cox,	John S. May,	W. R. Stewart,
J. S. Cullen,	Hiram McElroy,	John M. Tinsley,
J. E. Durham,	M. D. McInerney,	D. W. Tribble,
McD. Ferguson,	W. F. Neat,	Geo. E. Willett,
John Finn,	Eli Nicholls,	R. B. Wilson,
George Will. Follis,	W. F. Peak,	John D. Woods—55.
J. C. Glenn,		

In the negative—none.

The House also took from the orders of the day

H. B. 490. An act to appropriate money for building or repairing shops in State prison in the city of Frankfort, providing for the execution of the work.

Mr. Pettit moved that said bill be recommitted to the Committee on State Prisons and House of Reform.

Mr. Botts moved that the House do now adjourn.

Which motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 29, 1893.

The House was opened with prayer by Rev. W. E. Gorey, of the Catholic Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. C. Glenn,	Eli Nicholls,
Lewis Alexander, Sr.,	S. M. Gough,	W. F. Peak,
W. W. Ayres,	Geo. T. Halbert,	Thos. S. Pettit,
W. S. Bailey,	U. G. Harlow,	J. F. Porter,
John T. Bashaw,	A. L. Harned,	E. M. Pryse,
B. F. Bennett,	P. R. Hays,	A. T. Pullen,
John Botts,	B. B. Hensley,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	John Ryan,
Polk Cansler,	Berry Howard,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	C. C. Spalding,
A. H. Charlton,	Daniel James,	W. W. Stephenson,
R. F. Comer,	J. S. Joplin,	W. R. Stewart,
L. J. Cox,	R. M. Kincheloe,	J. R. Summers,
W. J. Cox,	Henry Kremer,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
J. E. Durham,	John M. Letterle,	John M. Tinsley,
McD. Ferguson,	W. H. May,	D. W. Tribble,
John Finn,	Hiram McElroy,	N. S. Walton,
Geo. Will. Follis,	W. F. Neat,	John D. Woods—58.
J. M. Frazee,		

The following members were absent :

T. J. Arnett,	Ben. F. Gardner,	John Lee Payne,
Posey D. Ball,	J. P. Gay,	J. A. Perkins,
John Bartman,	Thos. H. Hanks,	Granville Philpot,
R. F. Bass,	R. K. Hart,	I. M. Quigley,
W. P. Beard,	H. K. Hay,	R. E. Roberts,
B. T. Birkhead,	W. W. Johnson,	D. H. Severs,
A. J. Carroll,	T. S. Kirk,	Waller Sharp,
F. P. Combest,	William Krieger,	Fenton Sims,
Wesley Crow,	H. P. Lively,	Samuel O. Tate,
J. S. Cullen,	C. W. Mathers,	J. H. Welch,
James R. Dean,	John S. May,	H. P. Whitaker,
E. M. Dickson,	M. D. McInerney,	B. F. Willett,
D. B. Edmiston,	Harvey Myers,	Geo. E. Willett,
Wm. Garrison,	J. P. O'Meara,	R. B. Wilson—42.

The reading of the Journal of yesterday's proceedings was dispensed with, and said Journal was approved.

Messrs. Botts, Walton and L. E. Thomas announced that, had

they been present on yesterday, they would have voted in the affirmative upon the passage of the bill, entitled

S. B. 42. An act to provide an efficient system of the common schools throughout the State.

Mr. Ferguson moved that the vote be reconsidered by which the House passed on yesterday a bill, entitled

S. B. 205. An act concerning jailers.

Said motion was disagreed to.

Mr. Woods offered the following resolution, viz :

Resolved, That the Speaker is authorized to appoint three members of this body as delegates to the adjourned meeting of the road convention in the city of Bowling Green on the 12th of April, but the expense of such delegate shall be borne by the individual member thereof.

Which was agreed to.

Mr. Pettit offered the following resolution, viz :

Resolved, That the Committee on Claims be directed to inquire as to the efficiency of the several Pages and Messengers of this House, and report if any are inefficient, and, if this body can dispense with any of said employes' services.

Ordered, That said resolution be referred to the Committee on Claims.

At 10:30 o'clock, A. M., the House took up the special order for that hour, viz : The concurrent resolution offered on Saturday last by Mr. Pettit.

Mr. Botts moved an amendment thereto.

Mr. Frazee moved that said resolution be postponed indefinitely.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Pettit and Sims, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Geo. T. Halbert,	E. M. Pryse,
W. S. Bailey,	Thos. H. Hanks,	A. T. Pullen,
Posey D. Ball,	U. G. Harlow,	J. M. Quigley,
John T. Bashaw,	P. R. Hays,	C. D. Reed,
W. P. Beard,	B. B. Hensley,	S. H. Shouse,
John Botts,	Berry Howard,	Fenton Sims,
A. J. Carroll,	Daniel James,	C. C. Spalding,

B. E. Caudill,	R. M. Kincheloe,	W. W. Stephenson,
A. H. Charlton,	Lewis Y. Leavell,	J. R. Summers,
W. J. Cox,	John M. Letterle,	Lewis E. Thomas,
J. M. Frazee,	Hiram McElroy,	J. R. Thomas,
Ben. F. Gardner,	Eli Nicholls,	John M. Tinsley,
J. P. Gay,	J. P. O'Meara,	N. S. Walton,
J. C. Glenn,	J. F. Porter,	R. B. Wilson—43.
S. M. Gough,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	McD. Ferguson,	M. D. McInerney,
W. W. Ayres,	John Finn,	W. F. Neat,
B. T. Birkhead,	W. J. Hissem,	W. F. Peak,
P. S. Bruner,	F. W. Hutcheson,	Thos. S. Pettit,
L. J. Cox,	J. S. Joplin,	John Ryan,
J. M. Dawson, Jr.,	Henry Kremer,	W. R. Stewart,
J. E. Durham,	W. H. May,	John D. Woods—21.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 228. An act to amend an act, entitled "An act creating fiscal courts in the several counties of this Commonwealth," approved October 17, 1892,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

At 11 o'clock, A. M., the House took up for consideration the special order for that hour, viz :

S. B. 216. An act for the government of cities of the first class.

Mr. Carroll offered an amendment by way of substitute for sections 145 to 173, both inclusive, of the bill, being the article on education.

Said substitute reads as follows, viz :

Strike out all after section 145 down to and including section 173, and insert in lieu thereof the following :

§ 155. At the regular municipal election in 1893, and every two years thereafter, there shall be elected by the qualified voters of the city eight trustees of the public schools of the city, and the persons so elected shall constitute and be styled the school board of the city.

§ 156. At the first meeting after the election the board shall elect some person, other than one of its members, a president, who shall possess all the qualifications and who shall be subject to all the disabilities defined in this charter for members of said board, and who shall hold office two years. He shall preside at all meetings and perform the duties that may be prescribed by the rules and by-laws of said board. He shall not be counted in the number necessary to make a quorum, and shall vote only in case of a tie. He shall be a salaried officer, and may be required to devote his whole time to the work of the board.

§ 157. At the first meeting after the election said board shall elect from its members the members of all standing committees provided for by its rules.

§ 158. The control and management of the public schools and the property and the funds belonging thereto and their establishment, management and maintenance under the provisions of this act or otherwise, shall be vested by law in this board.

§ 159. The board shall have power to make rules and by-laws for the conduct of the schools and for the regulation of their own proceedings. Rules and by-laws shall be adopted by the board within thirty days after organization succeeding each election. They shall not be amended, suspended or repealed except upon the affirmative vote of two-thirds of the members in office upon a yea and nay vote of the board entered upon its records.

§ 160. The board shall meet once a month, and oftener if necessary, for the transaction of business. A majority of the board shall be a quorum.

§ 161. No appropriation of money shall be made by the board except upon the affirmative vote of a majority of the members. The vote shall be entered upon its records.

§ 162. All proceedings of the board shall be entered in a book provided for that purpose. This book shall be a public record, and at all times be open to the inspection of the citizens.

§ 163. It shall be the duty of the board at the beginning of each fiscal year to ascertain and estimate, as correctly as may be, the means applicable to educational purposes for the current fiscal year. When such sum is ascertained, the board shall apply the same to the following purposes: Salaries, repairs, rents, building account, general expense and incidental expense. The board may, from time to time thereafter, change the amount

appropriated for said different purposes with the consent of two-thirds of the members, but in no event shall the board exceed in the aggregate the amount of its income for the current year, nor shall it incur any liabilities in one year to be paid out of the revenues of the next year. If said sum be exceeded in any one year, such excess shall not be a debt of the school board, or recoverable against it or paid out of the revenues of the subsequent year; but said sum shall be a personal debt of the members of the board who vote for the appropriation in excess of the revenue, and shall be recoverable against them by appropriate action on the part of the persons to whom the sums are due.

§ 164. The fiscal year of the board shall begin on the first day of January and end on the thirty-first day of December. The scholastic year of the board shall be the same fixed by the Statutes of Kentucky.

§ 165. The board shall elect the principals of the ward schools and the principals and teachers of the high schools, and shall fix the salaries and term of office of all the teachers and employes of the board. The salaries shall not be changed during the year for which they are fixed. The board may dismiss or suspend any principal, teacher or employe for misconduct, inefficiency or neglect of duty.

§ 166. The board shall prescribe the branches of education to be taught and the text-books to be used. Text-books once adopted shall not be changed except by unanimous consent of the board until notice of said proposed change shall have been given and entered upon the records of the board one full scholastic year, and then only by the affirmative vote of two-thirds of the members.

§ 167. The board shall prescribe the necessary qualifications and mode of examination of applicants for admission to the various schools. For school children whose parents are too poor to purchase books, the board shall provide text-books.

§ 168. No catechism or other formula of religious belief shall be taught or inculcated in said schools, nor shall any text-books be used which reflect upon any religious denomination. The schools shall not be so conducted as to interfere with the religious belief of parents or pupils.

§ 169. The board shall have power to admit to the schools pupils from beyond the limits of the city, and shall collect from all persons so admitted tuition fees for the benefit of the school fund of the city, but may make an equitable allowance or reduction for taxes paid for schools by such children or their parents on property in the city. Children of persons residing outside of the city limits shall not be admitted as pupils into any of the public schools except upon payment of such tuition fees as the board may require as aforesaid.

§ 170. The board shall elect for a term of two years a secretary, who shall attend all meetings of the board and keep its

records. He shall receive all moneys due the board, and shall deposit the same in some chartered bank, to be selected by him and approved by the board, and he shall perform such other duties as may be required by the board. He shall annually give bond, with surety, to be approved by the board, for the faithful discharge of his duties.

§ 171. Funds of the board deposited in bank shall be withdrawn only on the order of the board, evidenced by the check of its secretary, countersigned by the president.

§ 172. No fees or perquisites shall be received by said secretary. Interest paid on deposit must be credited to the board.

§ 173. The board may elect, for a term of two years, a superintendent, who shall perform such duties as may be prescribed by the board.

§ 174. In investigations of charges or complaints against any of its members, officers, principals, teachers or other employes, the board, or its committee on grievances, shall have the power to summon witnesses and administer oaths. Any willful disregard of the board's process may be punished by any judge of the circuit court on the complaint of the board as contempt of such court is punished.

§ 175. The board may punish its members for misconduct by reprimand or expulsion from office, and punish its officers, principals, teachers and employes by reprimand, suspension, forfeiture of pay or dismissal, as it may judge appropriate for the offense committed.

§ 176. To raise money for the maintenance of the schools the general council shall, in the year 1893, and annually thereafter, cause to be levied and collected a tax, not less than thirty-three cents on each one hundred dollars' worth of property assessed for taxation for city purposes. Upon the completion of the assessment of property for taxation the amount levied as above shall annually be passed to the credit of the school fund upon the books of the city, and the said amount shall be paid over to the board by the treasurer in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have been commenced, and the other payments to be made weekly thereafter, in current money, by the said treasurer.

§ 177. For the maintenance of the schools there shall be appropriated the sum or sums which may be received from year to year as the city's portion of the school fund of this Commonwealth.

§ 178. So much real, personal or mixed property in the city, which, from alienage, defect of heirs, or failure of kindred capable in law to take the same, shall escheat to the Commonwealth of Kentucky, is hereby declared vested in the board of trustees for the use and benefit of the schools. The said board of trustees, by the president thereof, or such officers as the board shall appoint for the purpose, shall enter upon and take possession of

any and all such property, and by its title shall be a corporation, and in the name of its president may sue for and recover the same, or any chose in action, right, or credit of such decedent, and reduce the estate into possession as aforesaid, without office found. The board may sell, and the president thereof convey, all such property by warrant, or deed, or otherwise.

§ 179. The board shall cause to be examined by competent persons, all applicants for the office of principal, teacher or professor in the schools. Applicants who receive certificates of qualification as teachers shall be divided according to merit into three classes by the board of examiners. Those displaying the greatest ability to teach shall be placed in the first class; those next in ability in the second class, and the remainder in the third class. Those of the first class shall have precedence for appointment over those of the lower classes, and those of the second over those of the third.

§ 180. A certificate granted to any person shall be void if the holder thereof shall not receive regular employment of the board within five years from its date, but may be renewed by another examination. The board may revoke any certificate issued by it for any cause by it deemed sufficient.

§ 181. Teachers of the ward schools shall be nominated by a committee consisting of the president of the board, the superintendent and the principal of the school in which such teacher is to be employed. Such nomination shall be reported to the board at the next meeting for confirmation. No teacher shall draw any pay for services except from date of confirmation, unless confirmed at the next meeting after nomination. Every nomination must be confirmed by a majority of the board.

§ 182. When a city of the first class establishes and maintains a system of common schools adequate to the teaching of the children therein, and to which all applying for instruction are permitted to attend free of charge, the same shall be deemed one district and entitled to its proportion of the school fund. Such city shall, through its proper officer deputed for that purpose, make its annual report to the Superintendent of Public Instruction for the several schools therein, at the time and in a similar manner to that required of trustees of other districts. They shall also take the census of the children therein at least once in five years, and make such return thereof to such Superintendent of Public Instruction at the same time other trustees are required to make their returns, and shall for neglect or violation of their duties in that respect be liable to the same penalties. The commissioner of the county in which are located such cities as are described in this section shall have no control over the schools in such districts, but the schools shall be governed in all respects by the local authorities.

§ 183. No person shall be eligible to the office of trustee of the public schools who has not attained the age of thirty years, and who is not a housekeeper, or is not the owner of real estate

in said city, or who is not a citizen of the United States, or a *bona fide* resident of the Commonwealth of Kentucky and the city for three years next preceding his election; or who holds or discharges any office, deputyship, or agency under the city or any district of county, or under the State of Kentucky or any department thereof, or any foreign government, except notaries public and militia officers of Kentucky. No person shall be eligible to this office who, at the time of his election, is directly or indirectly interested in any contract with the board, or who holds any office of trust, agency, or salary with any corporation which holds any contract with the board, or who is in any way ben-fited by the appropriations of the board; or whose father, son, brother, wife, daughter or sister is employed as teacher or a professor, or in any other capacity by said board or in any of the public schools, or who is directly or indirectly interested in the sale to the board of books, stationery or other property.

§ 184. If after election any member of the board should become a candidate for nomination or for any office or agency the holding and discharging of which would have rendered him ineligible before his election, or should he do or incur anything which would have rendered him ineligible for election, or should any of the relatives above specified be employed by the board, his office shall become vacant and be filled as hereinafter directed.

§ 185. In conformity to the provision of section 152 of the Constitution of Kentucky the said board shall have power to fill vacancies by death, resignation or other causes.

§ 186. Members of the board shall not be elsewhere called in question for language used in debate.

§ 187. Said board shall have power to sell and convey any real or personal property it may own which may not be needed for its use.

Said substitute amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Carroll and Hutcheson, were as follows, viz:

Those who voted in the affirmative, were—

A. J. Carroll,	Thos. H. Hanks,	J. P. O'Meara,
J. M. Frazee,	Berry Howard,	W. W. Stephenson,
Geo. T. Halbert,	Daniel James,	Thos. S. Pettit—9.

Those who voted in the negative, were—

Mr. (Speaker Moore),	George Will. Follis,	W. F. Peak,
Lewis Alexander, Sr.,	Ben. F. Gardner,	J. F. Porter,
W. W. Ayres,	J. C. Glenn,	E. M. Pryse,
W. S. Bailey,	S. M. Gough,	A. T. Pullen,
Posey D. Ball,	U. G. Harlow,	I. M. Quigley,
John Bartman,	A. L. Harned,	C. D. Reed,

John T. Bashaw,	P. R. Hays,	John Ryan,
W. P. Beard,	B. B. Hensley,	Waller Sharp.
B. F. Bennett,	W. J. Hissem,	S. H. Shouse,
B. T. Birkhead,	F. W. Hutcheson,	Fenton Sims,
John Botts,	J. S. Joplin,	C. C. Spalding,
P. S. Bruner,	R. M. Kincheloe	W. R. Stewart
Polk Cansler,	Henry Kremer,	J. R. Summers,
B. E. Caudill,	Lewis Y. Leavell,	Lewis E. Thomas,
A. H. Charlton,	John M. Letterle,	J. R. Thomas.
R. F. Comer,	W. H. May,	John M. Tinsley,
L. J. Cox,	John S. May,	D. W. Tribble,
W. J. Cox,	Hiram McElroy,	N. S. Walton,
J. M. Dawson, Jr.,	M. D. McInerney,	Geo. E. Willett,
J. E. Durham,	W. F. Neat,	R. B. Wilson,
McD. Ferguson,	Eli Nicholls,	John D. Woods--64.
John Finn,		

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the inhabitants of cities of the first class are hereby continued corporate by the name and style which they now bear, with power to govern themselves by such ordinances and resolutions for municipal purposes as they may deem proper, not to conflict with this act, nor the Constitution and laws of this State, nor of the United States; with power to contract and be contracted with; to sue and be sued; to defend and be defended in all courts; to acquire property for municipal purposes by purchase or otherwise; to hold the same and all property and effects now belonging to them, either in their own names or in the names of others, to the use of the city, for the purposes and intents for which the same were granted or dedicated; to use, manage, improve, sell and convey, rent or lease the said property, and have the like powers over property hereafter acquired; to have a common seal, and change it at pleasure, and act with or without a seal.

§ 2. In said cities there shall be a legislative, an executive and a judicial department. Neither of these departments shall exercise any power properly belonging to either of the others, except as permitted in this act.

LEGISLATIVE.

§ 3. The legislative power of said cities shall be in a board of twenty-four councilmen and in a board of twelve aldermen, which shall be styled the general council.

§ 4. Councilmen shall be elected by the qualified voters of the city at large, and so selected that two shall be residents of and qualified voters in each ward.

§ 5. Aldermen shall be selected from and elected by the qualified voters of the city at large.

§ 6. Members of the general council shall hold their office for two years after the election. They shall be at least twenty-five years of age, and shall be housekeepers or owners of real estate in the city. They shall hold no other civil office. They shall not be, directly or indirectly, interested in any contract with said city or in any application therefor, or a candidate for or hold any office or employment for pay in any company or corporation which holds or is an applicant for any contract with the city. Stockholders in corporations may be eligible, but shall not vote on, or interfere, directly or indirectly, with any matter or question affecting a contract between such company and the city, or its right or duty under the same. No person, while in arrears to the city for money collected, shall be a member of the general council. Before any member-elect shall take his seat in either board, he shall make an oath or affirmation that he has the qualifications, and is free from the disqualifications prescribed herein.

§ 7. Representation shall be equal and uniform, and regulated by the number of inhabitants as ascertained by the Federal census made in 1890, and by the Federal census every ten years thereafter. The general council shall lay off the city into twelve wards, as nearly equal as practicable in population.

§ 8. Each board shall elect from its members a president thereof for one year. In his absence a president *pro tem.* shall be chosen from the members. Each board shall elect its clerk, and may elect a sergeant-at-arms.

9. Each board shall judge the eligibility and the election of its members, adopt rules for its proceedings, and punish its members for disorderly conduct. Two-thirds of the members-elect concurring, either board may expel a member, but not twice for the same cause. Vacancies in either board shall be filled by the general council in joint session.

§ 10. A majority of the members-elect shall form a quorum of either board, but a smaller number may adjourn from day to day. The attendance of members may be enforced by rules or ordinances, with appropriate fines. The general council shall meet on the first Tuesday succeeding the election. It may adjourn for not longer than thirty days. The boards shall hold their meetings in such separate rooms in the city as may be provided by ordinance, and the place of meeting shall not be changed except by an ordinance, for which two-thirds of the members of each board have voted.

§ 11. Each board shall keep a correct journal of its proceedings, and immediately after the adjournment of each session the proceedings thereof shall be published once in one English and one German daily paper printed in the city and having the largest permanent circulation in said city. Said newspapers shall be selected annually by the general council upon joint *viva voce* vote, or otherwise, as may be fixed by ordinance.

§ 12. All ordinances shall be published in like manner as the proceedings of the general council.

§ 13. All official papers, proceedings and records of the former officers and general councils and trustees, and of the present and succeeding officers, general councils and trustees of the city, under previous charters and under this and succeeding acts, are hereby declared public records, and as such shall be preserved and be entitled to all the faith and credit of public records. Official copies thereof may be read in all courts as public records. The courts in this Commonwealth shall take judicial cognizance of the ordinances of the city, and the certified copy officially published by the city may be read as evidence in any trial in which the same may be competent evidence without proof of the due passage and approval of said ordinances. Until the biennial publication of the ordinances by the city, a certified copy from the comptroller's office of an ordinance may be read with the same effect as if it had been officially published.

§ 14. Members of the general council shall be exempt from serving on juries and from military duty during their term. For any thing said in debate they shall not be elsewhere questioned.

§ 15. No ordinance shall be passed until it shall have been read in full in each board, and free discussion allowed thereon; and no ordinance shall pass both boards on the same day. No ordinance shall embrace more than one subject, and that shall be expressed in its title. No ordinance shall be altered or amended in any way except by repealing it.

§ 16. Propositions for raising money must originate in the board of councilmen; but the board of aldermen may propose amendments thereto as in other propositions, provided it do not, under color of amendment, introduce matter not relating to the subject.

§ 17. No member of the general council, during the term for which he was chosen, shall be eligible to any office, by appointment or by election of said general council, or either branch thereof.

§ 18. All officers or agents of the city, in any of its departments, not herein required to be otherwise elected or appointed, shall be elected or appointed in such manner as may be prescribed by ordinance.

§ 19. Executive and ministerial officers, unless otherwise provided in this act, shall be removable by the board of aldermen sitting as a court, under oath or affirmation, upon charges preferred by the mayor or any two members of the board of councilmen, and, in case of the mayor, upon charges preferred by the board of councilmen. No person so tried shall be removed from office without the concurrence of two-thirds of the aldermen; and when a person has been so removed from office, he shall be ineligible thereto during the term for which he had been elected.

§ 20. The general council shall have power to pass ordinances imposing fines not exceeding one hundred dollars for any designated misdemeanor not provided for by the general laws of the Commonwealth; but in cases where the General Statutes of the Commonwealth impose a fine not exceeding one hundred dollars, such fine may be increased by ordinance.

§ 21. The general council shall have power to pass, for the government of the city, any ordinance not in conflict with the Constitution of the United States, the Constitution of Kentucky and the statutes thereof.

EXECUTIVE.

§ 22. The executive power shall be vested in the mayor and in the boards and departments authorized by this act. The mayor shall be elected by the qualified voters of the city on the first Tuesday after the first Monday in November, 1893, and at the regular election every four years thereafter.

§ 23. The mayor shall be the chief executive officer of the city. Any person shall be eligible to the office who is thirty years of age, and who has been a citizen and resident of the State three years, and a resident of the city for which he may be elected mayor three years next before his election.

§ 24. No person shall be mayor who is directly or indirectly interested in any contract with the city as principal or surety.

§ 25. If two or more candidates for mayor receive the same number of votes, and this number of votes is greater than the number of votes cast for any other candidate, one of them shall be chosen mayor by a vote of the majority of all the members of the general council in joint session immediately after its organization.

§ 26. When a vacancy shall take place in the office of mayor, a mayor *pro tempore* shall be chosen by the general council in joint session by the votes of a majority of the members elected. If the vacancy occur three months or more prior to a regular municipal election, a mayor shall be chosen for the unexpired term at the said election. If the vacancy occur within three months, the mayor *pro tempore*, chosen by the general council, shall serve until the regular election for mayor. It shall be the duty of the president of the board of alderman to issue his proclamation for such joint session, to be held not less than ten nor more than twenty days after such vacancy shall take place. Until the vacancy is filled, the president of the board of aldermen shall act as mayor.

§ 27. Should the mayor be temporarily absent or unable to discharge his duties, his office shall be administered by the president of the board of aldermen, who shall continue to discharge the duties of the office during the continuance of the disability or the absence of the mayor. His compensation shall be determined by the general council, but shall not exceed the rate

allowed the mayor, and the sum so paid may be deducted in whole or in part from the salary of the mayor, as the general council may determine.

§ 28. The mayor shall take office on the second Tuesday after the first Monday in November succeeding his election.

§ 29. It shall be the duty of the mayor—

1. To be vigilant and active in causing the ordinances of the city and the laws of the State to be executed and enforced.

2. To communicate to the general council, at least once a year, a statement of the finances and general condition of the affairs of the city, and also such information in relation to the same as either branch of the general council may from time to time require.

3. To recommend, by message, in writing, to the general council all such measures connected with the affairs of the city as he shall deem expedient.

4. To fill, with the consent of the board of aldermen, all vacancies in executive and ministerial offices not herein otherwise provided for.

§ 30. The mayor may appoint his own clerk, and remove him at pleasure.

§ 31. He shall exercise a general supervision over all the executive and ministerial officers of the city, and see that their official duties are honestly performed. He may require from them statements in writing concerning the discharge of their duties.

§ 32. He may, by a written order, giving his reasons therefor, remove from office any head of a department, director or other officer appointed by him. A copy of said order shall be sent to the board of aldermen at its next meeting. Unless such order be disapproved by the board of aldermen within thirty days, said order shall stand.

§ 33. Except a resolution to adjourn, every proposed ordinance or joint resolution which has passed the general council shall be presented to the mayor, and if he approve it, he shall sign it, and then it shall be obligatory; but if he disapprove it, he shall return it with his objections in writing to the board in which it originated, and said board shall then reconsider the same, and if two-thirds of the members elect concur in adopting it again it shall be sent with the mayor's objections to the other board, where it shall also be reconsidered, and if again passed by the votes of two-thirds of its members, it shall be obligatory; but in such cases the votes in each board shall be taken by yeas and nays and recorded in the journal. Should the mayor withhold a proposed ordinance or resolution beyond the day for the next regular meeting, and the general council actually meet, if three days have intervened between the presentation to the mayor and said meeting, it shall be obligatory as if signed.

§ 34. The mayor may disapprove of any item or items of any bill making appropriations, and the part or parts of the bill approved shall be the law, and the item or items disapproved shall

be void unless repassed according to the rules and limitations prescribed by law for the passage of bills over the mayor's veto.

§ 35. The mayor shall, as often as he may think proper, appoint not more than three competent persons, to examine without notice the affairs and accounts of any city department, trustee, officer or employe, and the money, securities and property belonging to the city in the possession or charge of such department, trustee, officer or employe, and report to him the result of such investigation.

§ 36. The mayor may convene the general council at any time.

§ 37. The mayor shall have the same power to administer oaths or affirmations that justices of the peace and other judicial officers of this Commonwealth have.

§ 38. The mayor shall receive a salary of \$5,000 a year.

§ 39. The mayor shall have power, with the approval of the board of aldermen, to appoint a city buyer, whose duty it shall be to purchase all articles needed by the city in its several departments. All purchases made by him shall be approved by the mayor, if the amount to be expended be under \$2,000, or by the general council and the mayor, if the amount exceed \$2,000. He shall report each day to the comptroller the purchases made by him.

EXECUTIVE BOARDS.

§ 40. The following executive boards are hereby established in said cities: A board of public works and a board of public safety. The members of said boards shall be appointed by the mayor, with the approval of the board of aldermen, in the month of December succeeding his election, for a term of four years. The members of said boards shall have the same qualifications as members of the general council. No member or officer of the general council shall be eligible to membership in said boards.

§ 41. Each board shall have power to prescribe rules, not inconsistent with any statute or ordinance, regulating its own proceedings and the conduct of its officers, clerks and employes, the distribution and performance of its business, and the preservation of the books, records, papers and property under its control. No extra compensation shall be allowed any person for indexing its records.

§ 42. All official business of the several boards shall be transacted at the offices thereof, and a continuous indexed record or minute shall be kept at such offices respectively of such business. Each board shall cause a full journal of its proceedings to be kept, and shall also cause all its receipts and disbursements to be faithfully entered in books to be kept for that purpose.

§ 43. Each board shall elect one of the members chairman, and shall make rules governing the time and place for holding regular and called meetings.

§ 44. No member of either board shall have any power to act on behalf of the same except pursuant to an order of the board regularly made at a meeting at which a majority of said board shall have been present.

§ 45. The members of said boards shall have seats in the general council, and be entitled to take part in the proceedings and deliberations thereof on all matters under their charge, subject to such rules as the general council shall, from time to time, prescribe, but without the right on the part of the members of said boards to vote. One member of each board may be compelled to attend every meeting of the general council.

§ 46. The members of said boards shall have power to administer oaths.

§ 47. Said boards shall have the right to employ such officers and agents as may be necessary, and subject to such limitations as the general council may prescribe; may fix the compensation of such officers and agents.

§ 48. Each of said boards may appoint, and at pleasure remove, a chief of each department under its control: *Provided*, That before making an appointment to the position of city engineer, the said board shall require each applicant for said position to pass a satisfactory examination before a commission of three competent and experienced civil engineers appointed by it on the subject of said applicant's qualifications as civil engineer. Subordinate officers and employes may be removed or punished by the board on the recommendation of the chief of the department concerned for cause, subject to such regulations as may be prescribed by ordinance or by the board. The cause for the removal of any subordinate as aforesaid must be stated in writing, and be transmitted to the board, and the board may, in its discretion, retain or dismiss such subordinate. No officer or employe shall be removed for political causes. Interference in elections, electioneering or canvassing by any officer or employe of said boards shall be cause for instant removal.

§ 49. No officer or employe of said board, except the regular police of the city, shall receive for his own use, directly or indirectly, any fees, perquisites, commissions, percentages or money paid to him in his official capacity, but all fees, perquisites, commissions, percentages and money paid to and received by or for any such officer or person shall be the property of the city, and shall be paid by or for him to the city treasurer.

§ 50. Any officer, except policeman, or person in the employment of said boards, who shall receive any fees, perquisites or other things of value belonging to the said city, shall, before receiving his salary or compensation, make, under oath, a detailed statement, and shall report to the chairman of his board, in such form as may be prescribed, the aggregate amount of all such receipts since the last preceding statement; and he shall deposit with the said board all such fees, perquisites, percentages or other things of value due to said city as aforesaid.

§ 51. Said boards, or any member thereof, may require the officers or persons employed by said boards to make such statements and returns, if they be not made as herein provided, and may examine such officers or persons under oath touching the matters herein provided for.

§ 52. Whenever there is any dispute as to the powers or duties of said boards, or the officers thereof, the matter may be referred by either of them to the mayor, who shall examine and determine the question involved, and his decision shall be final as between said boards or said officers.

§ 53. It shall be the duty of each of said boards annually to submit to the mayor a minute report on all things under its control, with an estimate of the amount of money required for its departments for the ensuing fiscal year, stating with as great particularity as possible each item thereof. Said report shall be transmitted by the mayor to the general council for consideration and for appropriate action, with such recommendations as he may think proper.

§ 54. It shall be the duty of the mayor and the general council, in their annual levy of taxes, to make such levy as in their judgment shall be necessary and advisable; and the amount so levied shall be collected and carried to the credit of the said executive boards respectively, and shall not be diverted from said boards or used by the mayor and general council for any other purpose, but the same shall remain as a separate fund in the hands of the treasurer of the city. Said board shall not divert the tax levy of the mayor and general council from the purposes of the departments for which it was levied.

§ 55. Whenever any written contract is made by either board, it shall be executed under the seal of the corporation, and be filed in the office of the board, and a copy of said contract shall be transmitted to the comptroller.

§ 56. No member, officer or employe of either board shall be directly or indirectly interested in any contract, or work of any kind whatever done under its direction; and any contract for work or material in which any such person shall be so interested shall be void.

§ 57. No money shall be paid at any time to any person claiming under a contract with the board until such person shall have first filed with the board his statement, under oath, disclosing the names of persons directly or indirectly interested in the contract, or the profits thereof, declaring that no persons, other than those named, are interested, and that no person forbidden by this act has any interest in the same.

§ 58. No executive board, officer or employe thereof, shall have power to bind the city by any contract or agreement, or in any other way, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the department under the control of said boards; and all contracts or agreements, express or implied, and all obligations of

any and every sort, beyond such existing appropriations, are declared to be absolutely void.

§ 59. Any city official who shall issue any bond, certificate or warrant for the payment of money upon the city beyond the unexpended balance of any appropriation made for such purpose, or who shall attempt to bind the city by contract, agreement, or in any other way, to any extent, beyond the amount of money at the time already appropriated by ordinance for such purpose, and remaining at the time unexpended, shall be liable to any person injured thereby, and shall be fined in the sum not more than \$1,000 or imprisoned in the county jail not more than six months, or both so-fined and imprisoned.

§ 60. Whenever it becomes necessary for either of said boards to make an expenditure by a contract, written or oral, of an amount less than \$2,000, said contract must be made with the approval of the mayor, unless otherwise provided by ordinance. When the expenditure is to exceed \$2,000 the contract shall not be made without the approval of the mayor and the general council. If supplies and other forms of personal property are to be purchased, they shall be purchased by the city buyer, subject to the provisions of this act.

§ 61. Real estate may be purchased by the mayor, when requested to do so by either of said boards for the use thereof, if the purchase price do not exceed \$2,000. If the purchase price exceed said sum, he shall not purchase said real estate without the consent of the general council.

BOARD OF PUBLIC WORKS.

§ 62. The board of public works shall consist of three members. Each member of said board shall receive a salary not less than \$2,500.

§ 63. The board of public works shall have exclusive control over the construction, reconstruction, cleaning, repairing, platting, grading, improving, sprinkling, lighting and using all streets, alleys, avenues, lanes, market-houses, bridges, sewers, drains, wells, cisterns, ditches, culverts, canals, streams and water-courses, sidewalks, curbing and the lighting of public places.

§ 64. No public way shall be opened, narrowed, closed or constructed, and no sidewalk shall be constructed or reconstructed, and no public wells or cisterns shall be dug and walled, except by ordinance recommended by the board of public works.

§ 65. Said board shall have supervision and control over the construction, repairing, cleaning, lighting and heating of all public buildings, and over all public improvements of the city.

§ 66. Whenever any work is to be done by the employes of the board, a careful estimate shall be made of the cost of such work or material, and said estimate in writing shall be at once placed on file with the records of said board.

§ 67. Whenever said board shall order any work to be done which, either by order of said board or according to law, is to be performed by independent contract, said board shall prepare and place on file in the office of said department complete drawings and specifications of said work. Thereupon said board shall cause a notice to be published in one daily or weekly newspaper of general circulation published in said city, once in each week for two weeks, informing the public of the general nature of the work, of the fact that the drawings and specifications are on file in said office, and of the nature and extent of the bond or security required, and calling for sealed proposals for said work by a day not earlier than ten days after the first of said publications. The board may, in its discretion, fix a later day for receiving said sealed proposals, provided such a date shall be mentioned in each of said notices. Said board shall, if a satisfactory bid be received, let said contract to the lowest bidder.

§ 68. When, in the opinion of the board, it shall become necessary in the prosecution of any work to make alterations or modifications in the specifications or plans of a contract, such alteration or modification shall be made only by order of the board, and such order shall be of no effect until the price to be paid for the same shall be agreed upon in writing, and signed by the contractor and approved by the board.

PUBLIC WAYS.

§ 69. Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares. Improvements, as applied to public ways, shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and done as may be prescribed herein.

§ 70. When the improvement is the original construction of any street, road, lane, alley or avenue, such improvement shall be made at the exclusive cost of the owners of lots in each fourth of a square, to be equally apportioned by the board of public works, according to the number of square feet owned by them respectively, except that corner lots (say thirty feet front and extending back as may be prescribed by ordinance) shall pay twenty-five per cent. more than others for such improvements. Each subdivision of territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public way shall state the depth on both sides fronting said improvement, to be assessed for the cost of making the same according to the number of square feet owned by the parties respectively within the depth as set out in the ordinance.

§ 71. A lien shall exist for the cost of original improvement

of public ways, for the construction and the reconstruction of sidewalks, and for the digging and walling of public wells and cisterns, for the apportionment and interest thereon at the rate of six per cent. per annum against the respective lots. Payments may be enforced upon the property bound therefor by proceedings in court, and no error in the proceedings of the general council shall exempt from payment, after the work has been done as required, by either the ordinance or contract; but the general council, or the courts in which suits may be pending, shall make all corrections, rules and orders to do justice to all parties concerned; and in no event, if such improvement be made as is provided for, either by ordinance or contract, shall the city be liable for such improvement, without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned in this act shall pass both boards of the general council at the same meeting, and at least two weeks shall elapse between the passage of any such ordinance from one board to the other.

§ 72. The cost of making sidewalks, including curbing, whether by original construction or reconstruction, shall be apportioned to the front foot, as owned by the parties respectively fronting said improvement, except that each corner lot shall pay the cost of its sidewalk intersection.

§ 73. The board of public works may, in its discretion, upon a petition of a majority of the property-owners on the part of the public way proposed to be improved, grant them permission to improve said public way, under the supervision of and within such time as may be fixed by the board of public works.

§ 74. When improvements in public ways have been made, or public wells or cisterns dug and walled, and the contract therefor completed, the board of public works shall, by one insertion in one of the daily newspapers published in the city, give notice of the time and place fixed for the inspection and reception of the work by the board, or its deputy or deputies, and such owners, their agents and representatives, may appear and be heard as to whether such improvements have been made in accordance with the ordinance authorizing the same and the contract therefor.

§ 75. In all actions to enforce liens, a copy of the ordinance authorizing the improvements or work, a copy of the contract therefor, and a copy of the apportionment—each attested by the comptroller—shall be *prima facie* evidence of the due passage, approval and publication of the ordinance, of the due execution and approval of the contract, and shall also be *prima facie* evidence of every other fact necessary to be established by the plaintiff in such actions to entitle him to the relief authorized to be given in this act. In such actions the court shall provide in its order confirming any report of sale that the defendants, or either of them, or any one claiming through or under them, or either of them, or any creditors of theirs, or either them, may,

within two years from the date of such order confirming a report of sale, redeem the land sold by paying to the purchaser the purchase price, with interest thereon from the day of sale, at the rate of six per cent. per annum, and all the taxes and assessments on and against such land paid by such purchaser, with interest thereon at the rate of six per cent. per annum from the date of such payments; and in the event that there be no redemption within the time allowed the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

§ 76. The board of public works shall make out all apportionment warrants for which liens are given for improvements of public ways, wells, cisterns, water-plugs and sidewalks, as may be required by ordinance, and within two days thereafter shall enter the same upon a register kept in alphabetical order for that purpose. When the holder of said warrant shall have obtained payment, he shall notify the board of public works, and it shall be marked upon the register as paid. The lien shall exist from the date of the apportionment warrant; but a lien shall not be valid against a purchaser for valuable consideration without notice, unless it shall be so entered and registered within ten days of the issuing of the apportionment warrant.

PARKS.

§ 77. The public parks shall be governed as now provided by law.

PUBLIC WHARVES.

§ 78. The wharves and landings shall be under the control of the board of sinking fund commissioners, and there shall be elected by said board of sinking fund commissioners, in the month of July, 1893, and every four years thereafter, one wharf-master. His term of office shall commence on the 15th day of November, 1893, and shall continue four years. Said wharf-master shall receive a salary of not less than \$2,500 per annum.

CONDEMNATION.

§ 79. Whenever, in the opinion of the board of public works, property shall be needed for municipal purposes, either within the boundaries of the city or the county, said board may, with the consent of the mayor, if the amount be under \$2,000, order the condemnation of such property, and if the amount be over \$2,000, may, with the consent of the mayor and general council, order the condemnation of such property.

BOARD OF PUBLIC SAFETY.

§ 80. The board of public safety shall consist of three members. Each member of said board shall receive a salary of

not less than \$2,500. The board shall have exclusive control, under the ordinances of the general council, of all matters relating to the fire department, the police department, the health department, the department of buildings, of the pounds and prisons and market places, and of all the charitable, reformatory and penal institutions of the city, including the city hospital, the almshouse, the city dispensary, the pest-house, the city work-house, and all other buildings and institutions of a similar character belonging to the city, or under the supervision and control thereof. Said board shall also have charge of the registration of births, marriages and deaths within the city, and the collection and publication of such statistical information as may be useful or necessary.

§ 81. The board may make by-laws and rules for the government of the inmates of its institutions, and may inflict proper but humane punishment in the enforcement thereof.

§ 82. The general council may, by ordinance, locate any of its institutions upon land now owned by the city, or to be hereafter provided for that purpose, anywhere in the county in which said city is situated, or may authorize the board to select the location of said institution within the county.

§ 83. The board may, for good conduct, authorize deductions from the time of persons confined in the work-house or any other penal institution.

POLICE AND FIRE DEPARTMENTS.

§ 84. The commissioners of the board of public safety shall appoint a chief of policemen and a chief of firemen.

§ 85. Excepting the chiefs and persons now employed in said departments, and persons who have been employed in said departments during the past five years, every officer or employee shall, before appointment or selection, have the following qualifications:

1. He must read and write correctly and fluently the English language from dictation, in the presence of examiners appointed by said board.

2. He must pass a satisfactory examination on the charter and ordinances of the city, and such parts of the Constitution and statutes of the State as relate to the duties of his office.

3. He must be at least twenty-one years of age.

4. He must be of sound health and sufficiently strong to be active, and able to discharge easily his duties, and

5. He must be a resident and voter in the city.

§ 86. The board of public safety shall provide a manual of instructions for the study of persons who wish to acquire the necessary knowledge of the said ordinances, charter, statutes and Constitution.

§ 87. The chief of policemen shall have exclusive direction and control of the police force, subject to the rules, regulations

and orders of said board of public safety. In times of peril from riot, extensive conflagration, disorder, or the apprehension thereof, the chief of policemen shall be subordinate to the mayor and obey his orders and directions.

§ 88. The officers and employes of said police departments shall possess all the common law and statutory powers of constables, except for the service of civil process.

§ 89. Said commissioners may, in case of need, appoint special police to do special duty at any place within said city, and on such terms as they may deem proper, and these special policemen shall be governed by such rules and regulations as said commissioners may provide, and be given such powers as said commissioners allow; and in case no such rules are provided, they shall have the powers and duties of ordinary policemen.

§ 90. No officer or policeman, or member of the fire department, shall be called on for any contribution or assessment by any superior or political organization or committee. No officer or member of said police or fire department shall be allowed to solicit any contributions or funds, or to sell any tickets or procure money by any devices from the public. Any person violating the provisions of this section shall be fined in a sum not exceeding \$100, or imprisoned for a period not exceeding two months, or both so fined and imprisoned.

§ 91. No policeman or police officer shall be allowed, without the consent of the board, in each case, to receive any money or gratuity or compensation in addition to his salary for any service he may render.

COMPTROLLER.

§ 92. There shall be appointed by the mayor, with the approval of the board of aldermen, in the month of December succeeding his election, for four years, a comptroller, who shall exercise a general supervision over the fiscal affairs of the city, the collection and disbursement of all revenues and moneys of the city. He shall see that proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports connected with the fiscal concerns of the city; that no liability is incurred or expenditure made from the treasury without due authority of law, and that appropriations are not overdrawn.

§ 93. He shall make annual reports to the mayor and general council of the financial condition and requirements of the city, with careful statements and estimates of the receipts and expenditures. The records in his office shall show the financial operations, condition, assets and claims of the city, the expenditures authorized for public works, and all contracts, with the names of the contractors, in which the city is interested, and the bonded and other indebtedness of the city. He shall countersign all warrants drawn on the city treasury, and shall duly record the amount and nature of the same. He shall have

access to the books and other records of any department of the city government whenever he so desires, and he shall see that the accounts of the city are kept in a plain methodical manner. He shall give bond to the city in the sum of not less than \$20,000, approved by the mayor and general council. His bond shall be deposited with the mayor. The comptroller shall have a seat in each branch of the general council, with the right to debate on any question pertaining to his department, but shall have no vote. He shall perform any other duties that may be prescribed by law.

§ 94. He shall have the custody of the city seal, the public records, the original rolls of ordinances of the general council, all original contracts not herein required to be filed elsewhere, and such deeds and certificates as relate to the title of any property of the city; all official, penal, indemnity or security bonds, and such other records, papers and documents of value as are not required to be deposited with any other officer, all of which shall be registered by numbers, dates and contents. He shall attest and certify all copies of such original documents, records and papers in his office as may be required by any officer or person, and charge therefor to individuals, for the benefit of the city, such fees as may be provided by ordinance. He shall provide copies of all contracts in his office for any public officer who has a right to such copies.

§ 95. The comptroller shall cause to be printed and filed and preserved in his office all ordinances passed by the general council. He shall have power to appoint such clerks as may be allowed him by ordinance.

AUDITOR.

§ 96. There shall be elected by the qualified voters of the city, at the time and places provided for the election of mayor, an auditor, who shall be the general accountant of the city, and as such it shall be his duty to receive and preserve in his office all accounts, vouchers, documents and papers relating to the accounts or contracts of the city, its debts, revenues and other fiscal affairs, and to adopt a proper mode and manner of book-keeping. He shall state and render all accounts filed or kept in his office between the city and any other person or body-corporate, except when otherwise provided by law. He shall examine, adjust and audit all unsettled accounts, claims and demands against the city for the payment of which any money may be drawn from the city treasury, and after having examined the same, with all accompanying vouchers and documents, shall certify thereon the balance or true state of such claim or demand, and draw his warrant on the treasury in payment thereof. But no such claim or demand, or any part thereof, shall be audited against the city unless it is authorized by law or ordinance, and is in proper and fully itemized form, and unless the amount re-

quired for the payment of the same shall have been appropriated for that purpose by the general council. He shall have power to administer oaths, and may require a settlement of accounts, to be verified by affidavit, and shall keep the accounts of the city, general and special, in a systematic orderly manner. He shall give bond to the city in the sum of \$20,000, to be approved by the mayor and general council. His salary shall not be less than \$2,500 per annum.

TREASURER.

§ 97. There shall be elected by the qualified voters of the city, at the time and places provided for the election of the mayor, a treasurer, whose duty it shall be to receive and keep all money of the city, and pay out the same on the warrants drawn by the auditor and countersigned by the comptroller, except as herein provided. All moneys belonging to the city received by an officer or agent thereof, either from collections, loans, sale of bonds, fees, fines and penalties, or otherwise, shall be deposited in the city treasury regularly once a day, unless otherwise provided by law or ordinance; and in case the provisions of this section are not fully complied with, it shall be the treasurer's duty to report any delinquencies to the mayor. He shall give triplicate receipts in all cases, one for the party paying, one for the auditor, and one for the comptroller, which shall set out the amounts paid, from what it proceeds, and to what account credited. His books shall at all times be open to the inspection of the mayor, the comptroller, or any member of the general council, and he shall report the balance in the treasury each day to the comptroller. He shall give bond for the faithful performance of his duties, to be approved by the mayor and general council.

§ 98. The mayor, comptroller and treasurer shall annually select a bank or banks or banking institution which will give the highest rate of interest for the current deposit of the city's funds, and which shall give and maintain a bond, to be approved by the unanimous vote of the mayor, comptroller and treasurer, said bond to be conditioned for the safe-keeping and prompt payment of said funds, or any part thereof, when demanded by the treasurer.

TAX RECEIVER.

§ 99. There shall be elected by the qualified voters of the city, at the times and places provided for the election of mayor, a tax receiver, who shall collect all city taxes, except such as are to be collected by the sinking fund, and he shall pay the same over to the treasurer once each day. He shall, each day, deliver to the assessor and the comptroller a statement showing what persons have the previous day paid their taxes, what amounts have been paid, and the numbers of the tax-bills. He

shall give bond for the faithful performance of his duties, to be approved by the mayor and general council. He shall keep the books and accounts of his office in such manner as may be prescribed by ordinance, or in the absence of any such requirements, the comptroller shall prescribe the manner of keeping such books and accounts, and said tax receiver shall perform any other duties required by law. He shall have power to appoint, with the approval of the board of aldermen, such deputies as may be allowed him by ordinance. The tax receiver and his deputies shall be paid by an annual salary, to be fixed by the general council. For the acts of his deputies he and his sureties shall be responsible on his official bond. No tax receiver shall be eligible to any office, unless he has accounted with the city for all collections and obtained a quietus. He shall settle his accounts with the mayor, comptroller, auditor and treasurer on or before the last day of October in each year, for the taxes for which bills had been placed in his hands for collection for the year, and if, through his fault, a quietus therefor is not held by said receiver on said day, the general council shall, by resolution, declare vacant the office of such receiver, and the vacancy shall be filled by the general council in joint session, by *viva voce* vote, for the unexpired term. In his settlements he shall be charged with such uncollected bills as he could have collected by distraint of the goods, or garnishment of the rents of the delinquents; and he shall be subrogated to the rights of the city on such uncollected bills.

§ 100. The tax receiver shall not use, or in any way convert to his own use, any money or other thing of value belonging to the city, and if he do, he and his sureties shall pay the same with interest, and he shall be guilty of felony, and, upon conviction, shall be confined in the penitentiary not less than five nor more than twenty years.

ASSESSOR.

§ 101. There shall be elected by the general council, within thirty days after this charter takes effect, and every four years thereafter, an assessor, whose duty it shall be to assess all the property in the city subject to taxation. He shall have power to appoint, with the approval of the board of aldermen, such deputies and assistants as may be allowed him by ordinance. The manner in which he shall perform his labors shall be determined by ordinance of the general council. He shall give a bond, with sureties, to be approved by the general council. The assessor and his deputies may administer oath or affirmations and certify the same.

§ 102. The assessor shall keep in alphabetical order a register of all transfers of real estate. All purchasers of real estate in the city shall furnish the assessor information thereof within two days after the conveyance has been lodged for record. The

assessor shall notify such purchasers of any taxes which remain unpaid, and which are a lien on the property bought.

§ 103. The assessor shall daily enter upon his book of assessments, opposite the name of the person assessed, and the property for which he is assessed, a statement showing the payment to the tax receiver by the tax-payer of taxes due on said property. This statement shall be made up by him from reports daily made to him by the tax receiver, which reports the assessor shall preserve as part of the records of his office.

CITY ATTORNEY.

§ 104. Within thirty days after this charter takes effect, and regularly thereafter, as his term of office shall expire, there shall be elected by the general council a city attorney, whose duty it shall be to give legal advice to the mayor and members of the general council, and all other officers and boards of the city, in the discharge of their official duties. If requested, he shall give his opinions in writing, and they shall be preserved for reference. It shall also be his duty to prosecute and defend all suits for and against the city, and to attend to such other legal business as may be prescribed by the general council. His salary shall be the same as paid the mayor. He shall have the same qualifications and the same term of office as the Commonwealth's attorney.

§ 105. At the same time and place at which the city attorney is elected, and for the same term, there shall be elected by the general council an assistant city attorney, who shall have the same qualifications as the city attorney, and shall discharge such duties as may be required by the general council and by the city attorney. He shall receive an annual salary of not less than \$2,500, payable as the salaries of other city officers.

THE POLICE COURT.

§ 106. The judicial power of the city shall be vested in a police court, which shall be a court of record; and the officers thereof shall be a judge, a clerk, a prosecuting attorney and a bailiff, all of whom shall be elected by the qualified voters of the city at the same times and places at which the mayor is elected, and shall hold their offices for the term of four years.

§ 107. Said court shall have original and exclusive jurisdiction in all cases of violations of municipal ordinances and by-laws occurring within the corporate limits of the city, and such criminal jurisdiction within the said limits as justices of the peace have, with the necessary power to carry into effect the jurisdiction given. Said court shall have exclusive jurisdiction, as an examining court, of all felonies and misdemeanors committed within the corporate limits of the city, and shall

exercise all the powers and duties of examining courts. The stenographer of the court shall take down all the evidence given in examining trials; and, at the conclusion of the trial, the court shall commit or discharge the accused, or hold him to answer before the proper court, as may be adjudged. If bond be required of the accused to appear and answer, said court shall have power to order the bond to be taken in such sum as it may direct. The bond, together with the evidence, shall be transmitted by the clerk, within twenty-four hours, to the proper court. The bond shall be in writing, and it shall not be invalidated by any irregularity in its form, or in the manner of taking or giving the same. Persons arrested under a charge of crime must be presented to the court for trial within twenty-four hours after arrest, unless Sunday intervene.

§ 108. Said court shall have power to impose such fines and penalties as may be prescribed by the statutes of the State, or by the ordinances of the city, but no imprisonment exceeding thirty days shall be ordered, and no fine exceeding fifty dollars shall be imposed without the intervention of a jury, unless the right to have a jury is waived by the party to be tried. Cases in which the right to the custody and care of children is involved shall be tried by the court. When imprisonment is prescribed by the judge or jury trying the case, it shall be in the discretion of the judge or jury to direct whether or not the imprisonment shall be with hard labor, unless the statute imposing the penalty distinctly prevents the exercise of such discretion.

§ 109. In all cases of drunkenness or disorderly conduct, in addition to imposing a fine, said court may hold the offender to bail in a sum not exceeding \$1,000 to keep the peace or be of good behavior for any length of time not exceeding one year, or the court may impose a fine without holding to bail. Should the offender fail to give bail or fail to pay the fine, he shall be forthwith committed to the city work-house, and shall be kept in custody until bail be given, or until the time fixed by the judgment shall have expired, and the fine be paid or satisfied by labor as provided by law.

§ 110. In the trial of cases arising under the ordinances of the city, the proceedings and practice of the court shall be such as may be determined by the ordinances of the city. In the trial of cases which grow out of the violation of the statutes of the State, the proceedings and practice shall be the same as in the courts of justices of the peace. Subject to these limitations, the judge of said court shall have power and authority to adopt rules and regulations for conducting the business of said court, and to enforce the same by process of contempt. He shall have all the powers necessary to try the causes coming under his jurisdiction. He may administer oaths, and shall be a general conservator of the peace.

JUDGE OF THE POLICE COURT.

§ 111. The judge of the police court shall have the qualifications and take the oath required of the judge of the circuit court. He shall receive no fees, and shall receive such salary from the city as may be provided by ordinance. From the State, in lieu of such fees as he would be entitled to receive for the same services rendered by justices of the peace, he shall receive a salary of \$2,000.

§ 112. Said judge shall devote his whole attention to the duties of said court, and shall be paid his salary from the State at the same time and in the same manner as the salaries of circuit judges are paid.

§ 113. When from any cause the judge of said court shall fail to attend and to hold court, the mayor of the city shall select and designate some lawyer, who has no case on the docket of said court, to act as judge *pro tem.* for said court, and the judge *pro tem.* shall have the same rights, powers and duties as the regular judge has, and the judge *pro tem.* shall receive from the State and the city the same pro rata compensation paid the judge of the court, and the amount so paid the judge *pro tem.* shall be deducted from the salary of the regular judge of the court.

§ 114. During the months of July and August the judge of the court may have such vacation as the general council may allow, and during said vacation the compensation of the judge *pro tem.* shall not be deducted from the salary of the regular judge. The clerk of the court shall certify to the Auditor of the State the name of the judge *pro tem.*, and the time of his service, and the State Auditor shall thereupon draw a warrant upon the State Treasurer for the amount of money due the judge *pro tem.* for the time he served on the bench, and the Treasurer shall pay the warrant.

§ 115. The clerk of the court shall also certify to the city comptroller and to the auditor of the city the name of the judge *pro tem.* and the time of his service, and the city auditor shall thereupon draw a warrant upon the city treasurer for the amount of money due the judge *pro tem.* for the time he served on the bench, and the city treasurer shall pay the warrant.

§ 116. No one shall sit as judge in this court in any case in which there has been filed by the accused an affidavit that he can not have a fair trial, provided that such affidavit be supported by the affidavits of at least two credible housekeepers of the city. In such cases, the compensation paid to the judge *pro tem.* shall not be deducted from the salary of the regular judge.

§ 117. The judge of said court shall never hold his court out of the room provided by the general council as a city court-room, unless said room can not be used.

CLERK.

§ 118. The clerk of the police court shall have the qualifications, and take the oath, and give the bond required of the clerk of the county courts. Said bond and the requisite surety thereon must be approved by the judge of the police court.

§ 119. The clerk of the court may administer oaths as clerks of county courts may, and he shall be subject to the same fines and penalties to which they are subject, and for neglect and violation of his duty he may be prosecuted, punished or removed in the same manner in which they may be prosecuted, punished or removed.

§ 120. He shall receive no fees whatever, but he shall be paid such salary, and may appoint such deputies as may be allowed him by ordinance. His deputies shall receive no fees, but shall receive such salary as may be allowed them by law.

§ 121. In case of a vacancy in said clerk's office, the judge of the said court shall fill such vacancy, subject to the provisions of section 152 of the Constitution of Kentucky.

§ 122. The clerk of said court may be allowed such stationery as may be necessary for his office, but it shall be obtained through the city buyer as supplies are obtained by other municipal officers.

§ 123. Said clerk or his deputy shall have authority to issue all proper mesne and final process in cases cognizable by said court or which have been adjudicated.

PROSECUTING ATTORNEY OF THE POLICE COURT.

§ 124. The prosecuting attorney of the police court shall have the qualifications and take the oath and come under the obligations prescribed for Commonwealth's attorneys, and his duties to the city and said court shall be similar to those of the Commonwealth's attorney in his circuit.

§ 125. In all matters before the police court the prosecuting attorney shall represent the Commonwealth or the city, as the case may require.

§ 126. He shall receive such salary as may be allowed him by ordinance, but no fees whatever.

§ 127. When said attorney fails to attend or to prosecute the parties brought before him, the judge shall, from the members of the bar, appoint one to serve as prosecuting attorney *pro tem.*, and the person so appointed shall take the oath of office prescribed for the regular prosecuting attorney, and for his services as prosecuting attorney *pro tem.* shall receive such part of the salary of the regular prosecuting attorney as the judge, on motion, after due notice to the prosecuting attorney, may summarily decide to be fair and reasonable; but the compensation allowed the prosecuting attorney *pro tem.* shall not be estimated at a greater rate than that allowed the regular prose-

cuting attorney. The amount so paid the prosecuting attorney *dro tem.* shall be deducted from the salary of the regular prosecuting attorney.

§ 128. The Commonwealth's attorney or the county attorney may be present and assist in the trial of offenses against the Commonwealth.

BAILIFF.

§ 129. The bailiff of the police court shall have the power of a constable and policeman.

§ 130. He shall give bond, payable to such city, in the penal sum of \$1,000, with good security, to be approved by the mayor, conditioned for the faithful and honest discharge of his duties, and said bond shall be filed with the other official bonds of the city.

§ 131. It shall be the duty of the bailiff to be present at the sessions of the court, to maintain order therein, and to perform all other court duties subject to the directions of the court.

§ 132. The mesne and final process of said court shall be addressed to the bailiff, or to any sheriff, constable or policeman. In all cases the process shall run in the name of the Commonwealth of Kentucky, and may go to any county in the Commonwealth, and the bailiff may execute it anywhere in the State, or may appoint, by indorsement on the process, a special bailiff to execute it, and said special bailiff's rights and powers shall be the same as those of the bailiff. Policemen may execute any process delivered to them by the bailiff; and they shall have power to execute warrants of arrest, subpoenas, attachments and other process, whether the same be directed to them or not.

§ 133. The bailiff shall be assisted in the performance of his duty by such policemen as the chief of policemen may assign or designate for that service. The bailiff and his assistants shall receive no fees, but shall receive such salaries as may be allowed by ordinance.

INTERPRETER.

§ 134. The judge of the court may appoint, for a term not exceeding four years, an interpreter, who shall be paid \$900 per annum, and the judge may remove him at pleasure.

STENOGRAPHER.

§ 135. The judge of the court may appoint, for a term not exceeding four years, a stenographer, who shall be paid by salary fixed by the general council, not exceeding \$1,200 per annum, and the judge may remove him at pleasure.

MISCELLANEOUS.

§ 135½. There shall be elected by the general council on the first Tuesday in December, 1894, and every two years thereafter, one live stock inspector, whose salary and duties shall be determined by ordinance of the general council. He shall have power to appoint, with the approval of the board of aldermen, such deputies and assistants, with such salaries as may be allowed them by ordinance. He shall give a bond, with sureties, to be approved by the general council.

§ 136. Unless discharged by authority of law, any person arrested under a *capias pro fine* for a violation of the ordinances of the city shall be committed to the work-house, and shall be there detained until the judgment against him or her is satisfied by the payment of the fine, or is satisfied by his or her earnings by compulsory work in or out of said work-house, on such wages as the general council may allow. In cases of violations of the statutes of the State, the prisoner may be confined in the county jail or in the city work-house, as the judgment may prescribe.

§ 137. All fines and recoveries realized in said court, whether the prosecution be in the name of the city or the Commonwealth, shall be paid to the city treasurer as a contribution towards the expenses of said court.

§ 138. The clerk of the police court shall, for the use of said court, daily enter in a book, to be kept for that purpose, a list of all cases in which any orders are to be made, leaving sufficient space on the margin of said book, or following each case, for the judge to note whatever orders may be made therein. Said book shall be known as the "Judge's Docket," and it shall be the duty of the judge to concisely note therein, in ink, all orders and judgments in each case, and to daily sign his name at the foot of the day's docket. No order or judgment of said court shall be modified, set aside or annulled, except in open court, during the regular hours of the court, and by the judge who tried the case. No order or judgment shall be thus modified, set aside or annulled, except on motion duly made in open court, within three days from the date on which the judgment or order was entered; and after ten days the court shall have no control over its orders. Said motion must be accompanied by the written reasons therefor, and the grounds for modifying, setting aside or annulling said order or judgment shall be stated briefly and accurately by the judge from the bench, and recorded by the clerk in the order-book of the court. The judge may, at any time and at any place, suspend for twenty-four hours, but no longer, the enforcement and execution of any order or judgment.

§ 139. If any officer or deputy of said court shall, without legal excuse, fail or neglect for one week to perform the duties provided for herein, or to keep up any book, docket or record as required by law, he shall be subject to a fine of \$25 for each

day the offense continues; and any officer or deputy of said court who shall, in the conduct of his office, do that which is forbidden by law, shall be subject to a like fine for each day's offense; and if the offense be repeated, or if the delinquency continues two weeks, the offender shall be liable to said fine, and also to imprisonment not exceeding one year.

§ 140. Witnesses shall not be allowed any fees for attendance in this court, unless they live beyond the limits of the city. If they live outside of the city, they shall be allowed such fees as are allowed witnesses in the circuit court.

§ 141. No fees shall be received by any of the officers of this court, and no costs shall be taxed against any person tried by said court.

APPEALS.

§ 142. Appeals shall be from the decisions of said court to the circuit court in all cases where the amount of the fine imposed is as much as twenty dollars.

§ 143. In cases where a fine of twenty dollars or less is imposed under an ordinance, the legality of said ordinance may be tested by the city by an appeal to the Jefferson circuit court, or by the defendant by a writ of prohibition to the Jefferson Circuit Court, and after a decision has been rendered in the circuit court as provided for in this section, either the city or the accused may appeal to the Court of Appeals as other cases in the circuit court are appealed.

§ 144. In all cases in which the judgment, in addition to a fine, prescribes imprisonment exceeding ten days, the defendant may have an appeal to the circuit court and thence to the Superior Court or Court of Appeals, except in cases in which bail has been required for good behavior and has not been given.

§ 145. There shall be appointed by the regular judge of the criminal division of the circuit court having jurisdiction in said cities a bond recorder for said cities. He shall be appointed for the term of four years, and shall have the qualifications, take the oath, and give the bond required of county clerks, and he shall be subject to the same fines and penalties to which they are subject, and for neglect and violation of his duty he may be prosecuted, punished or removed in the same manner in which said clerks may be prosecuted, punished or removed. The bond furnished by said recorder and the requisite surety thereon must be approved by said judge. Said bond recorder shall have exclusive right to take all bonds required by law to be taken or given by persons arrested in the city in and for which he is appointed, for their appearance before the proper tribunal; also all bonds or recognizances required by law to be taken or given by or in the police court of said city, and no person in custody shall be released therefrom, before trial, unless bond be first given as herein required. Said bond recorder shall be allowed

for his services the same compensation as now allowed by law to justices of the peace in trials for breach of the peace, to be paid by the party for whom the services are rendered. He may appoint two deputies, and the salary of each of said deputies shall be \$1,000 per annum, and shall be paid from the fees collected by the said bond recorder. Said deputies shall give bond the same as recorder, and he is hereby given power to administer oaths to parties offering as sureties on bonds, and for all purposes necessary for the proper conduct of his office, to carry into effect the provisions of this act and enable him to properly execute his duty. And no officer or other person shall have power to take any bond or administer any oath herein mentioned, except said recorder. Said bond recorder shall keep a record of all bonds taken by himself or deputy, showing the date, amount of bail, the name of defendant, and the charge under which arrest was made; and all money received by said bond recorder over and above the amount of \$4,000, exclusive of the deputies' salary, shall be paid into the treasury of the city for which the recorder is appointed. Said recorder, or one of his deputies, shall be in his office at all hours for the purpose of taking bonds. All bonds and affidavits shall be returned within twenty-four hours to the proper tribunal. In continued cases, the bond recorder may require a memorandum from the clerk of the court, showing the charge, amount of bail, and date of continuance.

EDUCATION.

§ 146. At the regular municipal election in 1893 there shall be elected by the qualified voters in each legislative district of the city two qualified persons as school trustees, and the persons so elected shall constitute and be styled the———(name of city)——— School Board, and by said title shall be a corporation. The trustees first elected shall, within three months after the election, cause the trustees from each district to be divided by lot into two classes, and the members of the first class shall vacate their offices at the end of one year from the day of their general election; and annually thereafter there shall be elected by the qualified voters in each district one qualified person as trustee of said schools, who shall hold his office for two years and no longer. The school trustees of cities of the first class are hereby continued corporate, under the name and style of the ——(name of city)——— School Board, with power to govern themselves by such rules and regulations for school purposes as they may deem proper, not to conflict with this act nor the Constitution and laws of this State nor the United States; with power to contract and be contracted with, sue and be sued, to defend and be defended in all courts; to acquire property for school purposes by purchase, gift or otherwise; to hold the same and all property and effects now belonging to them, or in the names of others, to the use of the public

schools, for the purposes and intent for which the same were granted or dedicated; to use, manage, improve, sell and convey, rent or lease property, and have like power over property hereafter acquired; to have a common seal, and change it at pleasure, and act with or without a seal. No portion of the property or funds held or raised for said schools shall ever be applied to the support of any school or schools not entirely under the control and management of the said board. The members of said board shall, before entering upon the duties of their offices, make oath or affirmation, before some judicial officer of this Commonwealth, faithfully to discharge the duties enjoined on them. In conformity to the provisions of section 152 of the Constitution of Kentucky, the said board shall have power to fill all vacancies by death, resignation or other causes, and shall judge of the qualification of its members.

§ 147. Rules and by-laws shall be adopted by the board within thirty days after organization succeeding each election; they shall not be amended, suspended or repealed, except upon affirmative vote of not less than two-thirds of the members in office upon ye and nay vote of the board, entered upon its records.

§ 148. The board shall meet once a month, and oftener, if necessary for the transaction of business. A majority of the board shall be a quorum.

§ 149. No appropriation of money shall be made by the board, except upon the affirmative vote of a majority of the members. The vote shall be entered upon its records.

§ 150. All proceedings of the board shall be entered in a book provided for that purpose. This book shall be a public record, and at all times be open to the inspection of the citizens.

§ 151. It shall be the duty of the board at the beginning of each fiscal year to ascertain and estimate, as correctly as may be, the means applicable to educational purposes for the current fiscal year; when such sum is ascertained, the board shall apply the same to the following purposes: Salaries, repairs, rents, building account, general expenses, and incidental expenses. The board may, from time to time, thereafter change the amount appropriated for said different purposes, with the consent of not less than two-thirds of the members; but in no event shall the board exceed in the aggregate the estimated amount of his income for the current year, nor shall it incur any liability in one year to be paid out of the revenues of the next year.

§ 152. The fiscal year of the board shall begin on the first day of January and end on the thirty-first day of December. The scholastic year of the board shall be the same fixed by the statutes of Kentucky.

§ 153. The board shall elect principals and teachers, regulate and fix their salaries and the term of office of all the teachers, officers and employes of the board. The salaries shall not be changed during the year for which they are fixed. The board

may dismiss or suspend any principal or teacher or employe for misconduct, inefficiency, neglect of duty or diminished attendance of pupils.

§ 154. The board shall prescribe the branches of education to be taught and the text-books to be used. Text-books once adopted shall not be changed except by unanimous consent of the board until notice of said proposed change shall be given and entered upon the records of the board one full scholastic year, and then only by the affirmative vote of not less than two-thirds of the members.

§ 155. The board shall prescribe the necessary qualifications and mode of examination for applicants for admission to the various schools. For school children whose parents are too poor to purchase books, the board shall provide text-books.

§ 156. No catechism or other formula of religious belief shall be taught or inculcated, nor shall any class-book be used which reflects on any religious denomination.

§ 157. The board shall have power to admit to the schools pupils from beyond the city limits, and shall collect from all persons so admitted tuition fees for the benefit of the school fund of the city, but may make equitable allowance or reduction for taxes paid for schools by such children or their parents on property in the city. Children of persons residing outside of the city limits shall not be admitted as pupils into any of the public schools, except upon payment of such tuition as the board may require as aforesaid.

§ 158. The board shall elect for a term of two years a secretary, who shall attend all meetings of the board and keep its records. He shall receive all moneys due the board, and shall deposit the same in some chartered bank to be selected by him and approved by the board, and he shall perform such other duties as may be required by the board. He shall annually give bond, with surety, to be approved by the board, for the faithful discharge of his duties.

§ 159. The funds of the board deposited in bank shall be withdrawn only on the order of the board, evidenced by the check of its secretary, countersigned by the chairman of the committee on finance, or in his absence or disability, by the next member of the committee in order.

§ 160. No fees or perquisites shall be received by said secretary. Interest paid on deposits must be credited to the board.

§ 161. The board shall elect for a term of two years a superintendent, who shall perform such duties as may be prescribed by the board.

§ 162. In investigation of charges or complaints against any of its members, officers, principals, teachers or other employes, the board, or its committee on grievances, shall have the power to summon witnesses, and by its chairman administer oaths. Any willful disregard of said summons or process may be punished by any judge of the circuit court on complaint of the board as contempt of such court is punished.

§ 163. The board may punish its members for misconduct by reprimand or expulsion from office, and punish its officers, principals, teachers and employes by reprimand, suspension, forfeiture of pay or dismissal, as it may judge appropriate for the offense committed. Any officer or member of said board who shall receive any money or other thing of value, directly or indirectly, for his vote or influence in favor of any measure upon which he shall act officially, shall be deemed guilty of felony, and, upon conviction thereof, be confined in the penitentiary not less than two nor more than ten years.

§ 164. To raise money for the maintenance of the schools, the general council shall, in the year 1893, and annually thereafter, cause to be levied and collected a tax of not less than thirty-three cents on each one hundred dollars' worth of property assessed for taxation for city purposes. Upon the completion of the assessment of property for taxation, the amount levied as above shall annually be passed to the credit of the school fund upon the books of the city; and the said amount, as collected, shall be paid over to the board by the treasurer in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have been commenced, and the other payment to be made weekly thereafter in current money by the said treasurer as collected.

§ 165. For the maintenance of the schools there shall be appropriated the sum or sums which may have been received from year to year as the city's portion of the school fund of this Commonwealth.

§ 166. So much real, personal or mixed property in the city which, from alienage, defect of heirs, failure of kindred or other causes, shall escheat to the Commonwealth of Kentucky, shall vest in the board for the use and benefit of the schools. Said board may, in the name of the Commonwealth, for the use and benefit of the public schools of the city, by its president or other officer to be designated by it, enter upon and take possession of said property, or sue for and recover the same by an action at law or in equity, and without office found. The board may sell and convey any of such property by warranty deed or otherwise.

§ 167. The board shall have the power to examine, or cause to be examined, by competent persons, all applicants for the position of principal, teacher or professor in the schools.

§ 168. A certificate granted to any person shall be void if the holder thereof shall not receive regular employment of the board within five years from its date, but may be renewed by another examination. The board may revoke any certificate issued by it for any cause by it deemed sufficient.

§ 169. When a city of the first class establishes and maintains a system of common schools, to which all applying for instruction are permitted to attend free of charge, the same shall be deemed one school district for taxation purposes, and entitled

to its proportion of the school fund. Such city shall, through its proper officers, deputed for that purpose, make its annual report to the Superintendent of Public Instruction at the time and in a similar manner to that required of trustees of other districts. They shall also take the census of the children of school age in the district at least once in five years, and make return thereof to the Superintendent of Public Instruction at the same time other school trustees are required to make their returns, and shall, for neglect or violation of their duties in that respect, be liable to the same penalties. The board shall appoint a suitable person to take the census, who shall take and return the same to it, duly certified as correct. He shall be paid reasonable compensation for his services. For the years in which the census is not required to be taken, the board shall, at the time such returns are required to be made, prepare, mail and cause to be placed in the hands of the Superintendent of Public Instruction a report, duly certified, of the number of children of school age as shown by the last preceding report or census, with such an increase or addition to that number as is ascertained to be the annual increase of the children in the district, upon averaging the yearly increase during the five years next preceding the filing of the report: *Provided, however,* That the board may cause an actual census to be taken in any of such years, and so report to the Superintendent as heretofore required to be done in every fifth year. The commissioner of the county in which such cities are located shall have no control over the schools in such districts, but the same shall be governed in all respects as herein provided.

§ 170. No person shall be eligible to the office of trustee of the public schools who has not attained the age of thirty years, and who is not a housekeeper, or is not the owner of real estate in said city, or who is not a citizen of the United States, or a *bona fide* resident of the Commonwealth of Kentucky, and of the legislative district of the city for which he is elected for three years next preceding his election, or who holds or discharges any office, deputyship or agency under the city or any district or county, or under the State of Kentucky or any department thereof, or under the United States or any foreign government, except notaries public and militia officers of Kentucky. No person shall be eligible to this office who, at the time of his election, is directly or indirectly interested in any contract with the board, or who holds any office of trust, agency or salary with any corporation which holds any contract with the board, or who is in any way benefited by the appropriations of the board, or whose father, son, brother, wife, daughter or sister is employed as teacher or as professor, or in any other capacity by said board, or in any of the public schools, or who is directly or indirectly interested in the sale to the board of books, stationery or other property.

§ 171. If, after election, any member of the board should be-

come a candidate for nomination or for any office or agency, the holding and discharging of which would have rendered him ineligible before his election, or should he remove out of the district for which he was chosen, or should he do or incur any thing which would have rendered him ineligible for election, or should any of the relatives above specified be employed by the board, his office shall become vacant and be filled as herein directed.

§ 172. Members of the board shall not be elsewhere called in question for language used in debate.

§ 173. No white child shall become a pupil in any school for colored children, and no colored child shall become a pupil in any school for white children ; but schools for white and colored children shall be kept and maintained separately.

REVENUE.

§ 174. All taxes already levied or imposed under existing laws, and not yet paid, remain payable unless the contrary be hereinafter provided.

§ 175. Hereafter the following taxes may be levied and imposed as of the first day of September in each year, upon the following property, trades, occupations and professions : First, an ad valorem tax on lands, on such improvements upon lands as would, if made by the owner, pass to his heirs as real estate on personal property, except such personal property as is used in trades, occupations and professions for the carrying on of which a license tax is charged, on all railroad property assessed and returned by the State Railroad Commissioners. Second, a license tax on franchises, trades, occupations and professions, and for the use of certain articles. The license taxes shall be collected by the Commissioners of the Sinking Fund. All other taxes shall be collected by the tax receiver.

§ 176. In the ordinance fixing for any year the tax rate, the general council shall subdivide its levy as followe : A levy for schools, a levy for the sinking fund, a levy for police purposes, a levy for the fire department, a levy for street and sewer cleaning, a levy for sprinkling streets, a levy for the reconstruction of streets, a levy for street repairs, a levy for construction and repairs of sewers, a levy for the house of refuge, a levy for charitable institutions, a levy for parks, a levy for general purposes, and a deficit tax. The general council may omit any of the foregoing levies when not demanded by the public interests.

§ 177. In no fiscal year shall the general council appropriate or expend, or contract for the expenditure of, more than 95 per cent. of the estimated revenue of the current year, unless more than that shall be actually collected ; and if in any year less than 95 per cent. of the estimated revenue shall be collected, any deficiency within 95 per cent. shall be provided for in the levy of the next year, and shall be called the "deficit tax."

Any unexpended or unappropriated balances, in any current year, shall be passed to the same funds for the succeeding year.

§ 178. If in any year the general council shall fail to pass a levy ordinance, or if the levy ordinance in any year shall be invalid or inoperative, the rate of taxation for that fiscal year shall be the same as it was the year before, item for item. For the purpose of assessment, the soil shall be known as "land," and every thing attached thereto or built thereon shall be known as "improvements," and such "improvements," when owned by the tenant, may be assessed in his name apart from the land. Articles other than land and improvements shall be known as "personal property." The assessor shall assess at its fair cash value, as of the first of September of every year, all the lands, improvements and personalty subject to an ad valorem tax under this act.

ASSESSMENTS.

§ 179. In making the assessments and lists provided for herein, the assessor shall, before the tenth day of November in each year, or as soon thereafter as practicable, make and return not less than five assessment books, and shall cause to be entered therein, as near as may be in alphabetical order, the names of all persons who are the owners or holders of lands, improvements or personal property, and opposite the name of each person, owner or holder the number and block of each of his lots, according to the maps in the assessor's office, and the aggregate value of each parcel of land and the value per front foot, when such parcel fronts on a public way; the value of the improvements and the assessed value of the personal property.

§ 180. Any lot of land which is not now designated by a number in the assessor's maps, and any lot of land which is now so designated, but is hereafter subdivided, shall be designated by said assessor by an appropriate serial number, and shall, by such number, be designated in the assessment books. No mistake in or omission of the right name of the owner or holder of lands or improvements liable to be assessed under the provisions of this act shall impair any assessment thereof. If such land be designated in said books by its corresponding number and block on said map; or if such improvement be there designated by the number and block of the land on which it rests, or if such lands or improvement be otherwise fully identified in said book. The general council may provide for additional assessment maps whenever necessary.

§ 181. The assessor shall, before assessing any land or improvement, view the same, by himself or an assistant, and before assessing goods and chattels go upon the premises where the same, or the greater part thereof, may be found. His failure so to do shall not invalidate the assessment.

§ 182. Every person owning or holding taxable property in

his own right, or as fiduciary, guardian or agent, shall return to the assessor or his assistant a true list of such property, real and personal, upon blanks therefor prepared by the assessor, in a form prescribed by ordinance, together with the value of all personalty, and make oath before said assessor or one of his assistants. In case of the failure or refusal of such person to return a list true in quantity and value under oath, said assessor may, according to the best information he can obtain, assess the lands, improvements and personal property. The city court shall, at the instance of the assessor, by rule or process of contempt, enforce upon delinquents the return, under oath, of the lists above required.

§ 183. The assessor shall make diligent search among the conveyances and probated wills recorded in the county clerk's office, and among the confirmations of sales in the courts, from day to day, and shall also, by personal inquiry in his yearly rounds, seek to learn about every death among the owners of lands or improvements in said city, by which the same may devolve upon others.

§ 184. He is directed not to assess any property in such a name as "A B's heirs," or "A B's devisees," or "A B's executors," or the like, but he may assess lands or improvement thus: As "A B's unknown heirs," or "unknown devisees," or the like, when the names can not be obtained after diligent inquiries have been made. When the joint owners are more than three in number, three of the names, with the addition "and others," shall suffice; and where remainders, reversions, or future estates are outstanding, the holder of the particular estate shall be assessed with the words "holder of present estate" added to his name; but whenever the names of all the owners are not given, no lien for the taxes shall arise to the detriment of any purchaser from those not named, unless the assessment by its own terms, or by reference to the city maps, identifies the land or improvements therein embraced.

§ 185. Whenever, by the complaint of the party assessed or otherwise, it appears that any property has been assessed in a name other than that of the owner or holder, the city assessor shall, after notice through the mail to the owner or holder, at the time of the notice, make the correction, whether for the current or any preceding year, in his books, and certify such correction to the tax receiver; and to the corrected assessments, and to the retrospective assessments hereinafter authorized, the remedies of section 207 to 219, both inclusive, shall attach, beginning with the first of May after the correction or retrospective assessment is certified to the receiver. When any lands or improvements shall not be assessed in any one year, they may, when the omission is discovered, be assessed retrospectively for that year at any time not later than five years thereafter; but the lien thereby accruing to the city shall not prejudice the right of purchasers acquired in the mean time; and for any damage arising:

to the city by the loss of lien, the assessor guilty of the omission, together with his bondsmen, shall be liable. Any person thus retrospectively assessed may, within thirty days after the mailing of a notice thereof to him, file in the assessor's office the complaint provided for in the next section; if he do so, the assessment shall not become binding, nor shall any bill be issued thereupon until it be passed on as in the next section is provided.

§ 186. The assessment books in the section named shall remain open in the assessor's office from the fifteenth to the thirtieth of November, and any one who thinks that his lands or improvements, or those in which he has an interest, though they be not assessed in his name, have been assessed beyond their value, may, before the last named day, file with the assessor his complaint, specifying the parcel and alleged excess, and the complaint shall forthwith be investigated by the board of equalization, which shall, according to the justice of the case, approve or reduce the assessment. It may, after notice to any tax-payer, increase the assessment, if satisfied, on investigation, that it is too low, either as to real or personal property.

§ 187. The board of equalization shall consist of three citizens of Louisville, to be elected annually in September by the board of aldermen. They may be removed by the general council. Vacancies caused by such removal, or by death, resignation or departure from the city, shall also be filled by the board of aldermen. The general council may compensate the members of said board out of the treasury, at a rate not exceeding ten dollars to each for each day's service. Two members shall make a quorum. If two or all the members of the board fail to attend, the mayor may, by writing under his hand, appoint others to take their places for the time being. The board when made up in whole or in part of such appointees, may reduce, but can not increase assessments.

§ 188. If in any year a legal board of equalization is not elected, or fails to meet, or fails otherwise to perform any essential act, or if in any year the assessment books should not remain open for the requisite time, the tax-bills shall not thereby become void; but when any tax-payer in such a case complains of the assessment upon him, such a board shall then be chosen in the manner indicated, or the board theretofore chosen shall meet, as the case may be, and hear all complaint in the manner stated; and the collection of tax-bills from those so complaining shall be suspended till the board has heard and disposed of their complaints.

§ 189. The board of equalization shall keep a full and true journal of its proceedings, which is to be preserved as part of the city records. The board shall hold its meetings at the assessor's office. It may be reconvened by the mayor from time to time, to pass on the complaints of those retrospectively assessed.

§ 190. The assessor shall, during the month of December in each year, or as soon as the rates for the coming year are fixed, begin to make out the tax-bills according to the provisions of the ordinances of the city levying taxes for the corresponding year, or according to the levy provided for in section 193, as the case may be, and shall list such bills for collection with the tax receiver by the third day of January following, or as soon thereafter as practicable. Said tax-bills shall be payable on the third day of January, and due on the first day of May in the year for which made out. The taxes on personal property may be included with those on some one parcel of land and improvements. Each bill shall be authenticated by the assessor by his signature or a stamped fac-simile thereof, and when so authenticated it shall be *prima facie* proof that all steps have been taken to make it a binding tax-bill for the amounts and purposes, and against the person and property therein named or described; and this rule of evidence shall apply to the tax-bills of 1885 and 1886 that have been so authenticated under the ordinance of the general council.

COLLECTION AND PAYMENT OF TAXES.

§ 191. The assessor shall make out the tax bills, and shall list such bills for collection with the tax receiver by the third day of January following, or as soon thereafter as practicable; and such taxes shall then be payable at the tax receiver's office. Those paid in January or the first ten working days of February shall be reduced by a discount of three per cent., and those paid in the rest of February by two per cent., and those paid in March by one per cent.

§ 192. All tax-bills uncollected, in whole or in part, and which remain in the hands of the tax receiver on the first day of May succeeding the date on which they were listed with him for collection, against any person (not under the disability of infancy, coverture, or unsound mind) owning property in his own right, together with interest at the rate of one-half of one per cent. for every month or fraction of a month from date, shall be deemed a debt from such person to said city arising as by contract, and may be enforced as such by all remedies given for the recovery of debt in any court of the Commonwealth, otherwise competent for that purpose, and whose bills assessed against an administrator, executor, or trustee, shall be a charge against the whole succession of trust estates, and may be enforced accordingly, aside, in either case, from the other remedies hereinafter given. The above rate of interest shall prevail until the tax bills are merged in a judgment.

§ 193. In the months of May and June of each year the tax receiver shall, by himself, deputy or employe, mail to every person in arrears for taxes for that year, to the guardians and committees of infants and lunatics, and to the agents of absent

property-owners whose address is unknown to him, post-paid letters directed to the best of his knowledge, and indorsed with the request to return to him, if not delivered within ten days, substantially framed thus :

Your tax-bill for the year —, amounting to \$——, besides interest, remains unpaid, and will, if unpaid by the twentieth of August next, be collected by distraint or garnishment of rents, with penalty added.

——, Tax Receiver.

§ 194. He shall make a list of all his bids remaining wholly or in part unpaid on the first of July, showing whether the person was written to, and whether the letter came back as undelivered. He shall file the list with the city comptroller. For reporting falsely, he shall answer to the person aggrieved for all costs, penalty, or damages caused thereby ; but neither a false report, nor a failure to report, shall invalidate subsequent proceedings under this act.

§ 195. Between the first and twenty-first of August following, upon the filing of these lists, the comptroller shall make out for the tax-bills wholly or partly unpaid (except when the persons assessed appear from the face of the bill to be infants, persons of unsound mind, or fiduciaries assessed on behalf of a trust estate) warrants substantially in the following form, except that no penalty shall be allowed on a warrant upon any tax-bill that is not fully reported on in the list in conformity with the requirements of this section : *And provided further*, That where the warrant calls for more than three hundred dollars, it shall allow five per cent. penalty on the first three hundred dollars only, and one per cent. on the residue :

The Commonwealth of Kentucky to the tax receiver of the city of —, Greeting : We command you, by distraint, to make of the goods and chattels of — (person assessed), by cash sale, the sum of \$—— (amount of tax-bill or balance of tax-bill), due for taxes to the city of——as per tax-bill No. —— ; together with interest at the rate of one-half of one per cent. per month, or fraction of month, from the first of May last past, and five per cent. penalty on the principal sum (up to \$300, and one per cent. on the residue), and return this warrant with your doings thereunder on or before November 1st, A. D. —.

Given under my hand this first day (or if the first be Sunday, second) of August —.

——, Comptroller.

The penalties provided for shall, when collected, go to the tax-receiver for the city.

§ 196. These warrants shall, unless payments be made otherwise, be levied by the tax-receiver, or one of his deputies, on any goods and chattels belonging to the person assessed. The advertisement, sale and delivery to purchasers shall be made in like manner as of goods levied upon under execution on a re-

plevin bond. The warrants, with the doings of the receiver truly indorsed thereon, by himself or deputy, shall be returned by him to the office of the city comptroller on or before the return day named. The warrants of distraint, when directed against a married woman, may also be levied upon such goods of her husband not exempt from levy under a like warrant against him, and found on any of the lands or improvements for which the married woman is assessed.

§ 197. Every guardian, committee, trustee, or other fiduciary appointed under the laws of Kentucky, or by a deed or will recorded in any county clerk's office therein, who has the management of any lands or improvements in the city, and every agent of a non-resident of Kentucky owning property in the city, who collects the rent thereof, or the husbands of women owning such land or improvement, who collect the rent or income thereof in money, or enjoy the profits of such lands or improvements by occupying the same, shall, before the fifteenth of September of each year, pay out of the net income of such lands and improvements the city tax assessed upon the same in the preceding year, with accruing interest, before applying such income to the wants of, or paying it over to, his beneficiaries or employer, any instructions of the latter to the contrary notwithstanding; and in default thereof, he shall be liable for such tax to the amount of the income which he might have so applied, which liability may be enforced in equitable proceedings, in which it shall not be an answer that the city has a security in its lien upon the lands and improvements.

§ 198. The city shall have a lien for taxes on the rents or income of all property superior to the lien of the landlord or owner thereof. Between the first and fifteenth of November of each year the tax receiver shall make out and return to the city comptroller a list of all tax-bills unpaid, in whole or part, assessed upon improved lands or improvements, or on unimproved lands or personalty owned by persons who also own improved lands or improvements. This list may be made on the report provided for in section 210. After the fifteenth day of November he and his deputies shall proceed to notify all tenants of the persons owing such tax-bills that they must withhold their rents to the amount of such bills, and interest thereon, and five per cent. penalty on the face thereof in addition thereto; but the penalty shall be disallowed in the cases in which it is disallowed in the warrant of distress; and it shall, upon the excess above three hundred dollars, be reduced to one per cent. The notices shall be in writing upon blanks substantially in the form following:

Commonwealth of Kentucky,

To the Tenants of _____,

A Tax-payer of the city of _____,

Greeting: You, and each of you, are warned to withhold from _____ (name of tax-payer) the rent due or accru-

ing from you to him, to an amount not exceeding \$——— (amount due on tax-bills), with interest from May first of this year, at the rate of one-half of one per cent. for each month or fraction of a month, and five per cent. penalty on the principal sum (up to \$300, and one per cent. on the remainder), and pay the same into the appropriate division of the circuit court to meet the demands of the city of ———— until advised of the withdrawal of this garnishment.

Witness ————, city comptroller, this first (or second) day of November, A. D. ————,

————— City Comptroller.

And they shall be served by copy, and the notice as returned filed with the comptroller; and such service shall, until the tax is paid in full, with interest and penalty, be a defense *pro tanto* to the tenant in any proceeding by the landlord for the recovery of the rent, and shall operate to transfer *pro tanto* to the city the rights and remedies of the landlord. The taxes on any parcel of property may thus be enforced out of the rents of any other parcel of the same owner or owners. The penalty provided for herein shall go to the tax receiver for the benefit of the city. A failure to obtain or serve the notices herein provided for shall make the receiver answerable to the tax-payer for the costs arising to him thereby. Any tenant so served shall show the copy delivered to him to the receiver of the circuit court, and pay to him any rent then due or thereafter accruing to the extent of the garnishment. Such court receiver shall, without cost to the tenant, have the proper money order entered in court, and open an account on his books. This payment into court shall be deemed a suit of interpleader, and shall fully discharge the tenant *pro tanto* without regard to the validity of the garnishment or of the tax-bill on which it was issued. The city and landlord may litigate over the fund in a summary way, under rules which said court shall make for that purpose; but either party may insist upon a hearing in a regular action. The court, on the motion of the city, shall grant a rule in favor of the city against the tenant or agent, to pay to the receiver of the court the rents or income due, or to become due, to his landlord or owner, on which garnishment has been served, and this rule may be enforced by process of contempt. Any tenant claiming under, or agent acting for, the owner of any real or personal estate, and paying the taxes to the receiver of court under a garnishment, shall have a lien on said property for the amount, and shall have a right to hold the possession of the same until the owner or person entitled to the actual possession shall pay or tender him the amount of such taxes, penalty and interest, or shall tender or pay same to the city. The payment of said taxes to the receiver of the court shall be a just and valid defense to any writ of forcible entry and detainer, or other proceeding instituted by the landlord or owner to get possession of the property on the ground of the refusal of the tenant or agent to pay he rent.

§ 199. On the first of May of the second year after the assessment of city taxes the receiver shall make out a list of the bills still wholly or partly unpaid, on lands or improvements, and furnish the list to the city attorney, whose duty it shall be to bring, without delay, suits for the recovery thereof in the circuit court, except that where any litigation growing out of distraints or garnishments, or against guardians and others under section 213 is still pending, he may await the termination thereof before bringing such suit. In these suits the city shall, unless the person liable for the tax be under disability, ask for and obtain a personal judgment against the person assessed, as well as the enforcement of the lien hereinafter given. The action herein authorized, and the judgments and subsequent proceedings therein (except as hereinafter excepted), shall be conducted in all respects like suits upon liens arising from contract, and the court shall have jurisdiction of all suits for taxes irrespective of amount. The sums due for taxes of later and earlier years shall be included in the petition and in the judgment. New tax-bills, which are included with older ones against the same owners, on which the attempt at dstraint and garnishment has proved ineffectual, need not be dealt with by the receiver in the way provided herein. The omission of the receiver to act as prescribed herein shall not defeat any suit of the city for taxes. Where an action heretofore or hereafter brought under this or the following section is still pending and undetermined, a new action upon subsequently accruing taxes may be brought, and either action may, in the discretion of the court, be carried to judgment separately, and a sale may be had under the judgment therein of sufficient property to satisfy the same, giving the purchaser a title free from tax liens set up in other causes. When for taxes assessed against a decedent the city seeks only the enforcement of the lien on the lands or improvements, or lands and improvements assessed, the statutory affidavit and demand need not be made before beginning or reviving a suit, nor in support of the claim.

§ 200. The fee-simple of all lands in the city, and the full term and renewal of every leasehold carrying with it the value of the improvements thereon, shall be subject, from and after the first day of September of each year, to a lien for the city tax to be assessed thereon for the succeeding year, which lien shall be superior to a homestead right, and to all incumbrances, whether made before or after that date, except State taxes, and shall take precedence of dower, curtesy, remainders, reversions or future estates; and from the beginning of the action a lien for each tax-bill assessed against the same owner or set of joint owners shall also arise upon every piece of land or improvement still owned by him or them, with a view to the sale of less than all the pieces for all the tax-bills, subject to such marshaling of burdens as against third parties as the rules of equity may require. The court may allow a purchaser or incumbrancer to

release any parcel on payment of its tax, with interest and share of costs. The lien herein given for taxes shall attach, though, through error in the proceedings for any year, the tax-bill may be unenforceable, in which case the lien reaching back to the date named shall support the city's claim for the taxes that may be imposed afterward for the year in question by any curative act or acts of the Legislature.

§ 201. The goods of infants, or persons judicially found to be of unsound mind, shall not be distrained for the taxes assessed on their lands or improvements, nor shall their lands, during their disability, be sold for less than two-thirds of their appraised value on any judgment of sale rendered for taxes and costs alone, when those lands or improvements have come to them through descent, distribution or devise, or the gift or settlement of some person then deceased, or have belonged to persons of unsound mind before they became such; nor shall, for taxes chargeable to the owner of the particular estate, the entire estate to be sold for taxes and costs alone at less than two-thirds of the appraised value, so as to defeat reversions, remainders, or future estates, while any future estates are outstanding, unless, when the reversioners or remindermen are ascertained, and are of full age; nor shall such entire estates be put up to sale, unless the particular estate of the tax-payer has first been put up and has failed to bring the amount of the taxes and costs.

§ 202. Any court of competent jurisdiction, not inferior to a circuit court, may, in the established modes of proceedings, and upon existing principles of law or equity, give redress against unlawful distraints or garnishments of rents that may be wrongfully made, or threatened under color of this act; but no injunction shall be granted in such proceeding, except by the court or its judge, nor otherwise than upon notice to said city, and after a hearing.

§ 203. The receiver of the circuit court, and all other ministerial officers in the county, shall pay directly to the tax receiver for the time being, on his own receipt, without the intervention of an attorney, the amounts received by the said city for taxes in any judicial proceeding. Where, from any cause, moneys so recovered have come into the hands of an attorney on behalf of the city, he shall deliver them to such tax receiver.

THE SINKING FUND.

§ 204. The sinking fund to pay the bonded debt of the city is hereby continued as now established by law.

§ 205. The general council shall by ordinance provide for the following licenses, to be paid into the sinking fund, with adequate penalties, for doing business or following the calling, occupation, profession, or using or holding or exhibiting the articles herein named without the required license: On every manufacturer, distiller, brewer, merchant or dealer; on every

lithographing establishment, printing establishment, or book binding establishment (except as hereinafter provided), the general council shall impose a license tax of not less than \$5, which sum shall be for the sale of not exceeding \$1,000 of goods, wares or merchandise. For the sale of more than \$1,000, the tax shall be at the rate of \$5 for the first \$1,000 of sales, and not less than \$1.50 for each additional \$1,000 or fraction thereof, of yearly sales of all commodities. The person to whom license has been granted shall, at the end of the year, pay the amount due for the license for the excess of sales over the estimate made at the time of issuing the license, under the same penalty as if the party had failed or refused to procure a license.

For each hawker, huckster or peddler, not less than twenty dollars nor more than one hundred dollars per annum.

For each attorney and counselor-at-law, physician, surgeon, dentist or architect, not less than ten dollars nor more than one hundred dollars per annum. Should any of the foregoing parties be associated in a firm, each member of the firm shall pay a separate license tax.

For any theatrical exhibition, museum, public dance house, public ball-room, concert hall, lecture, show, circus, flying-dutchman, menagerie, ball, dance, entertainment or performance in the city for pay, not less than five dollars nor more than one hundred dollars a day, as the general council shall, by ordinance, prescribe; but a yearly license may be granted to a theatre, museum, public dance house or public ball-room at not less than two hundred dollars nor more than five hundred dollars per annum.

For each dancing school or academy, not less than twenty-five dollars nor more than one hundred dollars per annum.

For each vehicle running in said city, not less than two dollars nor more than fifty dollars per annum.

For each billiard table, pool table, bowling alley or shooting gallery, not kept exclusively for family use, not less than twenty-five dollars nor more than one hundred dollars per annum.

For each tavern, hotel, public boarding-house or place of public resort or entertainment, wherein no malt, fermented, spirituous or vinous liquors are sold, not less than ten dollars nor more than one hundred dollars per annum.

For each real estate office or agency, house agent, loan broker, intelligence office, claim agent, mercantile agent, collecting agent or agency, employment agency or information bureau, commercial agent, stock and bond broker, merchandise broker, street broker, exchange broker, financial agent, promoter, claim broker, not less than twenty-five dollars nor more than five hundred dollars per annum.

For each stock yard, rendering or tanking house, pork-house or other meat-packing establishment or canning establishment, not less than two hundred dollars nor more than five thousand dollars.

For each livery stable, sales stable, or dealer in live stock, or butcher, not less than twenty-five dollars nor more than one thousand dollars per annum.

For each pawnbroker, not less than three hundred dollars nor more than five hundred dollars per annum.

Every life, fire, or accident, casualty and indemnity insurance company, title company, title insurance company or abstract company doing business in this city shall, on or before the first day of February of each year, pay to the sinking fund two and a half dollars on every hundred dollars of premiums received on business done in the city during the previous year.

For each insurance adjuster, not less than one hundred dollars nor more than five hundred dollars per annum.

For each building and loan association, land company and investment company, not less than one hundred dollars nor more than five hundred dollars.

For each bank, trust company, the license tax shall be five per cent. of its gross earnings, exclusive of rent from real estate paying a tax to the city.

For each sprinkling company, the license tax shall be three per cent. of its gross earnings.

For each telephone company, the license tax shall be two and one-half per cent. of its gross earnings.

For each street car company, the license tax shall be three per cent. of its gross earnings.

For each gas company, electric light company, heating or lighting company, the license tax shall be two and one-half per cent. of its gross earnings, less the amount received for light and heat furnished at cost to the city.

For each veterinary surgeon or veterinary dentist or chiropodist, not less than ten dollars nor more than one hundred dollars per annum.

For each laundry, barber shop, lodging house, book agent, soliciting agent, bill poster, master builder, contractor, advertising agent, or scavenger, not less than ten dollars nor more than five hundred dollars per annum.

For each restaurant or eating-house, not less than ten dollars nor more than one hundred dollars per annum.

For each auctioneer, not less than twenty-five dollars nor more than five hundred dollars per annum.

For each public warehouse, storage-house, grain elevator, tobacco warehouse, tobacco dealer or broker, tobacco inspector, not less than \$25 nor more than \$1,000 per annum.

For each photographer, bath-house, skating-rink or park, roller skating-rink, swimming-pool, commercial shipping agent, not less than ten (\$10) dollars nor more than three hundred (\$300) dollars per annum.

For keeping, owning or harboring a dog or bitch, not less than five dollars.

§ 206. For any other business, employment, occupation, call-

ing or profession, not herein named, the general council shall, by ordinance, designate and fix the rate or rates not less than five dollars nor more than five thousand dollars, and cause a license to be taken as herein provided.

§ 207. All licenses shall be paid for in advance in the lawful money of the United States.

§ 208. No license shall be issued for a longer period than one year, but may be for a shorter period, if allowed by ordinance. No license shall authorize the conducting of business at more than one place at the same time, but the place at which the business is to be done under the license may, with the consent of the secretary and treasurer of the sinking fund, be changed. The agent or agents of non-resident proprietors shall be civilly responsible for the license tax and criminally responsible for carrying on business in like manner as if they were proprietors.

§ 209. Each license shall be authenticated by the treasurer and secretary of the sinking fund by his signature, or a stamped *fac-simile* thereof.

§ 210. The unexpired term of all licenses (except for the sale of liquor) may be transferred by the holder, with the assent of the sinking fund, on the payment of five per cent. on the original cost of license: *Provided, however,* That the original license shall be surrendered, or, if lost or destroyed, the person to whom it was issued shall make affidavit that said original license has been lost or destroyed, and can not be produced. The affidavit shall be filed with the treasurer and secretary of the sinking fund.

§ 211. In granting licenses, the treasurer and secretary of the sinking fund shall, from the oath of the applicant or other evidence, ascertain the grade in which such applicant should be licensed; but said applicant shall have the right, within ten days, to appeal in writing to the commissioners of the sinking fund from the action of the treasurer and secretary, and the commissioners shall have power to determine in which grade the applicant shall be placed. In all cases where the amount of license to be paid by any person, firm or corporation is based upon or regulated by the amount of sales made or business done, such person, firm or corporation shall render a sworn statement to the treasurer and secretary of the sinking fund of the total amount of sales made or business done by them respectively during the preceding year, which statement shall be considered in determining the amount for which such license shall be issued.

§ 212. Every license shall specify by name the person, firm or corporation to whom or to which it shall be issued, and shall designate the particular place at which the business shall be carried on.

§ 213. The fact that any person, firm or corporation representing himself or itself as engaged in any business, calling, profession or occupation, for the transaction of which a license is

required, or that such person exhibited a sign or advertisement indicating such business, calling, profession or occupation, shall be conclusive evidence of the liability of such person to pay for a license.

§ 214. Every person, firm or corporation having a license shall exhibit the same while in force whenever requested to do so by any officer of the license or police department.

§ 215. Every peddler, while engaged in peddling, shall carry his or her license, and exhibit the same whenever requested to do so by any license or police officer.

§ 216. The enforcement of the license law and collection of the licenses shall remain, as heretofore, under the control of the commissioners of the sinking fund.

§ 217. The conviction and punishment of any person for transacting any business without a license shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction.

§ 218. The commissioners of the sinking fund shall, at the end of each fiscal year, pay to the city treasurer any revenues remaining after paying the current expenses of such year, and the interest accruing in said year, and setting apart for the sinking fund a sum equal to five per cent. of the principal of the bonded debts chargeable against the sinking fund.

LIQUOR LICENSES.

§ 219. There shall be only one form of license for the retailing of liquor. The tax to be paid therefor shall be determined by the general council, but it shall not be less than \$150 nor more than \$1,000.

§ 220. This license shall authorize the sale of vinous, spirituous or malt liquors, and shall be called the "Liquor License."

§ 221. Any person who sells liquor in quantities less than five gallons shall be deemed a retailer of liquor; but wholesale liquor dealers may, without being treated as retailers of liquor, sell a case of liquor bottled, and containing not less than two (2) gallons, to non-residents of the city for consumption outside of the city.

§ 222. Druggists and apothecaries may, without a license, sell unmixed alcohol or admixtures of wine, alcoholic, spirituous or brewed liquors in the preparation of medicine, or upon the written prescription of a regular practicing physician; but no druggist or apothecary shall sell, or keep for sale, any preparation or mixtures thereof as a beverage.

§ 223. Said druggists and apothecaries must require a separate written prescription for each sale of liquor by them. Any druggist or apothecary who, by subterfuge or device of any kind—by giving away liquor, or otherwise—seeks to evade the provisions of this act, shall be both fined and imprisoned, as may be prescribed by ordinance.

§ 224. A license granted shall be good for only one year, and shall not be transferable without the consent of the license board. Upon the surrender of a license the board shall make a reasonable allowance for the unexpired term.

§ 225. A license granted shall be good for only one year, and shall not be transferable without the consent of the license board, and the payment of five per cent. on the original cost of license: *Provided, however,* The original license shall be surrendered, or, if lost or destroyed, the person, firm or corporation to whom it was issued shall make affidavit that said original license has been lost or destroyed, and can not be produced. The affidavit shall be filed with the treasurer and secretary of the sinking fund.

§ 226. The judge of the city court, the chairman of the board of public safety, and the president of the commissioners of the sinking fund, shall constitute the license board. The judge of the city court shall be the chairman, and the secretary of the sinking fund shall be *ex officio* secretary.

§ 227. Any person desiring to obtain a liquor license, by original application or by transfer, shall file an application for such license before the secretary of said board thirty days before the same may be issued to him. This application shall be sworn to by him, and by two reputable voters of the precinct in which he desires the right to retail liquors. Said application shall show the following facts: That the applicant is of temperate habits, and of good moral character; that he is a housekeeper in the city; and he has not, within five years, kept a disorderly house or been convicted of any crime; and he shall execute and file with the license board a bond, with good sureties, the owners of property in the city subject to execution worth not less than five hundred dollars, conditioned that he will not violate the requirements of the law.

§ 228. The secretary shall cause to be twice published in the newspapers doing the official printing of the city a list of the applicants for licenses, with the location of the business. Any person desiring to object to the granting of a license to any applicant may file a remonstrance with the secretary of said board within two weeks after said publication, and thereafter said application and the remonstrance, and any evidence offered by either party in support thereof, shall be considered by said license board in open meeting at such time and place as may have been fixed by said board.

§ 229. No license shall be granted to any person who has not the qualifications above prescribed. No license shall be granted to retail liquor in any precinct, if, in the opinion of the board, the retailing of liquor at the place named will be injurious to the people thereof, or if a majority of the voters of the precinct registered at the last annual registration remonstrate against the granting of the same. An appeal may be had to the circuit court as is provided in section 230.

§ 230. Any license granted by said board may be revoked by it, after an open trial, with due notice to the licensee, whenever, in the judgment of said board, the licensee has conducted a disorderly house, or violated the law with respect to the sale of liquor, and either party who shall feel aggrieved by the decision of the board may have an appeal to the circuit court.

§ 231. Every license shall be paid for by the applicant before the license is issued, but after his application has been approved by the board.

§ 232. The applicant, before filing his petition with the secretary, shall deposit the sum of five dollars with the city treasurer, which sum shall be in addition to the amount paid for the license, and he shall obtain from the city treasurer a receipt therefor, and shall file said receipt with his application. A report showing the sums so received shall be made by the city treasurer and secretary of the board to the comptroller. The certificate of "Liquor License" shall be kept hung up in some conspicuous place in the room where liquors are sold, at all times plainly exposed to public view. Every license shall specify by name the person, firm or corporation to whom or to which it shall be issued, and shall designate the particular place at which the business shall be carried on.

§ 233. If an applicant do not pay the requisite sum for his license within ten days after his application has been approved, due notice of which shall have been given him, no license shall thereafter be granted to him on said application.

GENERAL PROVISIONS.

§ 234. In all matters wherein the city and the county in which it is situated are interested jointly, as in public grounds and buildings, the general council shall have authority to contract and agree with the county as to the mode of adjusting the same, and providing for all expenses and arrangements in relation thereto.

§ 235. The members of the general council, and all other officers of the city, before entering upon the duties of their respective offices, shall each take such oath or affirmation as may be prescribed by this act or by ordinance; and, in addition, each shall make an oath or affirmation that he has the qualifications prescribed by this act, and is not subject to any of the disabilities which render him ineligible to hold the office to which he has been elected.

§ 236. No person shall be eligible to any office who is not at the time of his election a qualified voter of the city, and who has not resided therein three years preceding his election.

§ 237. If any auditor, tax receiver, treasurer or comptroller, or other officer, or assistant or deputy of such officer, of said city, shall make or knowingly permit others to make a false entry in his books, or shall allow or disallow any item or items,

or shall knowingly fail to make any proper entry in his books, with intent to cheat or defraud said city, or any person or corporation, or shall embezzle or knowingly misapply or withhold any money or property of any kind belonging to said city, or coming into his hands officially, such officer, assistant or deputy shall, upon conviction thereof, be confined in the penitentiary of this Commonwealth not less than two nor more than ten years.

§ 238. All officers who have qualified shall hold their offices until their successors are elected and qualified.

§ 239. Any person who shall aid, assist or abet any male or female to escape from the house of reform, the city work-house, or any other penal institution, or shall harbor or conceal such persons, knowing them to have escaped, shall, upon conviction, be fined not less than \$100, or be confined in the county jail not less than thirty days, or both, at the discretion of the jury.

§ 240. The general council shall pass an ordinance paying to each of the judges of the Jefferson Circuit Court, thirtieth judicial district, a salary which, added to that paid by the State, shall make the salary of each \$5,000, to be paid in monthly installments, and shall also, by ordinance, pay the Commonwealth's attorney for said thirtieth judicial district a salary of \$2,500, to be paid in monthly installments.

§ 241. All ordinances of the city now in force, and not in conflict with this act, shall continue in force until repealed by the general council, but not longer than two years from the first election of the general council under this act, after which time there shall be a biennial publication of the ordinances of the city, and no ordinance shall be operative unless included and published in said biennial compilations, or unless passed subsequent to the last biennial publication. Immediately after the passage of this act the city attorney shall codify the ordinances of the city, and add thereto such provisions as may be necessary to carry out the purposes of this act. The code so prepared shall be promptly transmitted to the mayor and general council.

§ 242. The general council shall, annually, set apart a sum not exceeding \$1,000 as a secret service fund, to be at the disposal of the mayor. Any part of said fund remaining at the end of the fiscal year shall be returned to the treasury by the mayor, and by him reported to the general council; but no report shall be required of the expenditures.

§ 243. Actions against the city for damages for injuries to person or property shall be begun within six months after the cause of action accrued.

§ 244. The city shall, in every instance, deduct and withhold, from the amount of its obligations to any person owing or liable to it for taxes, the amount of such taxes, and surrender to such person the canceled tax-bills therefor, which, to the amount thereof, with the interest and penalty thereon, if any, shall be a discharge of its obligations to such person.

§ 245. The fiscal year of the city shall begin on the first day of September of each year, and end on the 31st day of August following.

§ 246. The general council shall, by ordinance, provide suitable penalties for the punishment of persons who knowingly use defective or imperfect weights or measures, and may provide for an inspector or inspectors of weights and measures. He shall have exclusive power to inspect weights and measures in the city, and he shall be paid a salary by the city. No fees shall be charged or received for such services. Nothing in this section shall be construed so as to interfere with the term of office or fees of the present sealer of weights and measures for Jefferson county.

§ 247. Except as otherwise herein provided, the general council may, by ordinance, prescribe the duties, define the term of office, and fix the compensation and the bond of all officers and agents of the city; but no fees shall be allowed any officer.

§ 248. Any officer of said city, or member of the general council, who shall receive any money or other thing of value, directly or indirectly, for his vote or influence in favor of any measure upon which he may act officially, shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary not less than two nor more than twenty years.

§ 249. Whenever any property belonging to the State, or any of its charitable or penal institutions, is improved by the making of any street, sewer, cistern, fire-plug or pavement, for which improvement the property of adjacent private owners is taxed specifically, the pro rata charge of the State or its charitable or penal institutions for the improvement of said property shall be payable at once by the Auditor and Treasurer of the State out of any funds of the Commonwealth not otherwise appropriated. The city comptroller shall certify to the Auditor of the State the amount due on such property and the purpose for which it is due, and the Auditor shall draw his warrant upon the Treasurer for the payment of such sum in favor of the comptroller of the city, who shall thereupon pay it to the person entitled thereto as may be prescribed by ordinance.

§ 250. The statutes heretofore enacted for the inspection of buildings and for the appointment of building inspectors shall continue in force until superseded by appropriate ordinances passed by the general council; but in no event shall such acts now in force continue longer than March 4th, 1894.

§ 251. All elective officers shall take office at the same time as the mayor, unless otherwise especially provided herein.

§ 252. Because it will require a considerable time to provide the municipal forms, blanks and other arrangements to conform to this charter in the assessments and collection of taxes, and for the further reason that it is important that cities of the

first-class should have ample time to test the efficacy of the whole charter before the next session of the General Assembly of the Commonwealth of Kentucky, therefore an emergency is declared to exist for the immediate passage of this act, and this act shall, therefore, take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. M. Frazee,	W. F. Peak,
Lewis Alexander, Sr.,	Ben. F. Gardner,	Thos. S. Pettit,
W. W. Ayres,	J. P. Gay,	J. F. Porter,
W. S. Bailey,	J. C. Glenn,	E. M. Pryse,
Posey D. Ball,	S. M. Gough,	A. T. Pullen,
John Bartman,	U. G. Harlow,	I. M. Quigley,
John T. Bashaw,	A. L. Harned,	C. D. Reed,
W. P. Beard,	P. R. Hays,	John Ryan,
B. F. Bennett,	B. B. Hensley,	Waller Sharp,
B. T. Birkhead,	W. J. Hissem,	S. H. Shouse,
John Botts,	Berry Howard,	Fenton Sims,
P. S. Bruner,	F. W. Hutcheson,	C. C. Spalding,
Polk Canaler,	Daniel James,	W. W. Stephenson,
A. J. Carroll,	J. S. Joplin,	W. R. Stewart
B. E. Caudill,	R. M. Kincheloe	J. R. Summers,
A. H. Charlton,	Henry Kremer,	Lewis E. Thomas,
R. F. Comer,	Lewis Y. Leavell,	J. R. Thomas,
L. J. Cox,	John M. Letterle,	John M. Tinsley,
W. J. Cox,	W. H. May,	D. W. Tribble,
J. M. Dawson, Jr.,	John S. May,	N. S. Walton,
J. E. Durham,	Hiram McElroy,	Geo. E. Willett,
McD. Ferguson,	M. D. McInerney,	R. B. Wilson,
John Finn,	W. F. Neat,	John D. Woods—71.
George Will. Follis,	Eli Nicholls,	

In the negative—J. P. O'Meara—1.

Resolved, That the title thereof be as aforesaid.

Mr. Charlton moved that the vote by which said bill was passed be reconsidered, and also moved to lay that motion on the table.

Said last-mentioned motion was agreed to.

Mr. Spalding, from the Committee on State Prisons and House of Reform, reported S. B. 229, entitled

An act appropriating four thousand dollars to rebuild the hospital at the Eddyville penitentiary, and to raise the ell another story.

Which was read the first time at length, and ordered to be printed, and read the second time on another day.

The House took from the orders of the day the unfinished business therein from yesterday, viz :

H. B. 490. A bill to appropriate money for building or repairing shops in the State prison in the city of Frankfort, providing for the execution of the work.

The motion made on yesterday by Mr. Pettit to recommit said bill to the Committee on State Prisons and House of Reform, was disagreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the sum of fifteen thousand dollars, or so much of that sum as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of building or repairing shop buildings in the penitentiary at Frankfort.

§ 2. The Sinking Fund Commissioners are hereby authorized and directed to expend the above sum, or so much thereof as may be deemed by them necessary, in erecting, altering or repairing shops that may be deemed by them needed in the penitentiary.

§ 3. In the execution of the work, the Commissioners are instructed to see that due diligence, economy and carefulness are exercised, and a carefully itemized account kept and presented to the Board on the completion of the work, and the Secretary of the Board shall transmit the same to the first General Assembly thereafter in session.

§ 4. The Auditor is authorized to draw his warrant on the Treasurer from time to time for such sums as may be ordered by the Commissioners : *Provided*, Such sums in the aggregate do not exceed the amount provided in section 1 of this act.

§ 5. The lease of the labor of the penitentiary being nearly expired, and it being absolutely necessary to put the buildings therein in the best condition and in the shortest time possible for releasing or utilizing the labor thereof, an emergency is declared to exist, and this act shall be in effect when approved by the Governor.

The question being taken on the passage of said bill, it was decided in the negative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Ben. F. Gardner,	E. M. Pryse,
W. W. Ayres,	J. P. Gay,	A. T. Pullen,
W. S. Bailey,	J. C. Glenn,	I. M. Quigley,
John T. Bashaw,	S. M. Gough,	C. D. Reed,
B. T. Birkhead,	Geo. T. Halbert,	Waller Sharp,
John Botts,	U. G. Harlow,	S. H. Shouse,
P. S. Bruner,	A. L. Harned,	C. C. Spalding,
Polk Cansler,	P. R. Hays,	W. W. Stephenson,
A. J. Carroll,	Daniel James,	J. R. Summers,
L. J. Cox,	R. M. Kincheloe,	J. R. Thomas,
W. J. Cox,	Henry Kremer,	D. W. Tribble,
J. E. Durham,	John M. Letterle,	N. S. Walton,
McD. Ferguson,	W. H. May,	R. B. Wilson,
John Finn,	M. D. McInerney,	John D. Woods—46.
George Will. Follis,		

Those who voted in the negative, were—

B. E. Caudill,	F. W. Hutcheson,	Fenton Sims,
J. M. Dawson, Jr.,	John S. May,	W. R. Stewart,
Thos. H. Hanks,	W. F. Peak,	John M. Tinsley—11.
W. J. Hissem,	Thos. S. Pettit,	

And so said bill was rejected.

Mr. Sims entered a motion to reconsider the vote by which the House failed to pass said bill.

And then, at 1 o'clock, P. M., the House adjourned.

THURSDAY, MARCH 30, 1893.

The House was opened with prayer by Rev. Father Gorey, of the Catholic Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	Geo. Will. Follis,	John S. May,
Lewis Alexander, Sr.,	J. M. Frazee,	Hiram McElroy,
W. S. Bailey,	J. C. Glenn,	W. F. Neat,

John T. Bashaw,	S. M. Gough,	Eli Nicholls,
W. P. Beard,	Geo. T. Halbert,	W. F. Peak,
B. F. Bennett,	Thos. H. Hanks,	Thos. S. Pettit,
B. T. Birkhead,	U. G. Harlow,	J. F. Porter,
John Botts,	A. L. Harned,	E. M. Pryse,
Polk Cansler,	H. K. Hay,	A. T. Pullen,
B. E. Caudill,	P. R. Hays,	C. D. Reed,
A. H. Charlton,	B. B. Hensley,	S. H. Shouse,
F. P. Combest,	W. J. Hissem,	C. C. Spalding,
R. F. Comer,	Daniel James,	W. W. Stephenson,
L. J. Cox,	J. S. Joplin,	W. R. Stewart,
W. J. Cox,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
J. E. Durham,	John M. Letterle,	John M. Tinsley,
D. B. Edmiston,	C. W. Mathers,	N. S. Walton,
McD. Ferguson,	W. H. May,	John D. Woods—58.
John Finn,		

The following members were absent :

T. J. Arnett,	R. K. Hart,	I. M. Quigley,
W. W. Ayres,	Berry Howard,	R. E. Roberts,
Posey D. Ball,	F. W. Hutcheson,	John Ryan,
John Bartman,	W. W. Johnson,	D. H. Severs,
R. F. Bass,	T. S. Kirk,	Waller Sharp,
P. S. Bruner,	Henry Kremer,	Fenton Sims,
A. J. Carroll,	William Krieger,	Samuel O. Tate,
Wesley Crow,	H. P. Lively,	Lewis E. Thomas,
J. S. Cullen,	M. D. McInerney,	D. W. Tribble,
James R. Dean,	Harvey Myers,	J. H. Welch,
E. M. Dickson,	J. P. O'Meara,	H. P. Whitaker,
Wm. Garrison,	John Lee Payne,	B. F. Willett,
Ben. F. Gardner,	J. A. Perkins,	Geo. E. Willett,
J. P. Gay,	Granville Philpot,	R. B. Wilson—42.

The reading of the Journal of yesterday's proceedings was dispensed with, and said Journal was approved.

A message was received from the Senate, announcing that they had refused to concur in the amendments proposed by the House to a bill, which originated in the Senate, entitled

S. B. 213. An act relating to evidence.

That they had passed bills of the following titles, viz :

S. B. 198. An act to divide the State into one hundred Representative Districts.

S. B. 224. An act dividing the State into thirty-eight Senatorial Districts.

S. B. 231. An act concerning the State Normal School for Colored Persons.

Ordered, That the first and second-named bills be referred to the Committee on Legislative Districts, and the last-named to the Committee on Education.

A message was received from the Governor, announcing that he had approved and signed an enrolled bill, which originated in the House, entitled

H. B. 372. An act concerning the State Treasurer.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 454. An act requiring directors and trustees of incorporated burying-grounds and cemeteries to make a written report of financial condition to stockholders, and imposing penalties for failure to do so ;

H. B. —. An act concerning gaming ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk reported that he had performed that duty on this day.

The Speaker announced the appointment of the following members as committee provided for by resolution offered on yesterday by Mr. Woods and adopted by the House, viz : Messrs. Woods, Stephenson and Glenn.

On motion of Mr. Woods, Messrs. Garrison and Will. J. Cox were added to said committee.

Mr. Bashaw offered a joint resolution, entitled

H. Resolution 97. Resolution providing for the appointment of a joint committee to systematize the laws of this Commonwealth.

Which was referred to the Committee on General Statutes.

Mr. Follis introduced the following bill, viz :

H. B. 494. A bill concerning roads and passways,

Which was, on motion of Mr. Follis, ordered to be printed, and referred to the Committee on Internal Improvements.

Mr. Sims called up the motion entered by him on yesterday to reconsider the vote by which the House failed to pass a bill, entitled

H. B. 490. An act to appropriate money for building or repairing shops in the State prison in the city of Frankfort, providing for the execution of the work.

Said motion was agreed to.

Said bill was then passed.

[See yesterday's Journal for Bill.]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	Ben. F. Gardner,	Eli Nicholls,
Lewis Alexander, Sr.,	J. P. Gay,	J. P. O'Meara,
W. W. Ayres,	J. C. Glenn,	E. M. Pryse,
W. S. Bailey,	S. M. Gough,	A. T. Pullen,
John Bartman,	Geo. T. Halbert,	I. M. Quigley,
John T. Bashaw,	U. G. Harlow,	C. D. Reed,
B. T. Birkhead,	A. L. Harned,	R. E. Roberts,
John Botts,	P. R. Hays,	Waller Sharp,
A. J. Carroll,	B. B. Hensley,	S. H. Shouse,
A. H. Charlton,	Berry Howard,	Fenton Sims,
L. J. Cox,	Daniel James,	C. C. Spalding,
W. J. Cox,	J. S. Joplin,	J. R. Summers,
J. E. Durham,	R. M. Kincheloe,	W. W. Stephenson,
D. B. Edmiston,	Henry Kremer,	J. R. Thomas,
McD. Ferguson,	Lewis Y. Leavell,	N. S. Walton,
John Finn,	John M. Letterle,	Geo. E. Willett,
George Will. Follis,	Hiram McElroy,	R. B. Wilson,
J. M. Frazee,	M. D. McInerney,	John D. Woods—54.

Those who voted in the negative, were—

B. F. Bennett,	W. J. Hissem,	Thos. S. Pettit,
B. E. Caudill,	F. W. Hutcheson,	J. F. Porter,
F. P. Combest,	John S. May,	John Ryan,
J. M. Dawson, Jr.,	W. F. Neat,	W. R. Stewart,
Thos. H. Hanks,	W. F. Peak,	John M. Tinsley—16.
H. K. Hay,		

Mr. Shouse, from the Committee on Agriculture and Manufactures, reported a bill, entitled

H. B. 492. A bill to repeal an act, entitled "An act to amend the charter of the Covington and DeCoursey Creek Turnpike Road Company," approved February 28, 1865.

Said bill was read the first time at length, ordered to be printed, and read a second time on another day.

Mr. Sims, from the Committee on General Statutes, reported a bill, entitled

S. B. 71. An act providing for actions in certain cases,

Together with the several amendments heretofore proposed thereto by the House, and in which amendments the Senate has refused to concur.

Mr. Sims moved that the House insist upon its amendments.

Said motion was agreed to.

Mr. Shouse moved that the Senate be requested to appoint a committee of three, to act in conjunction with a like committee on the part of the House, to be appointed by the Speaker thereof, the two committees to act as Committees of Conference, to take into consideration the matters of difference between the two branches of the General Assembly with reference to the above-named bill.

Said motion was agreed to.

The Speaker appointed Messrs. Sims, Roberts and Dawson to act on the part of the House.

Mr. Walton, from the Committee on Printing and Accounts, reported H. B. 289, entitled

A bill to provide how the printing, binding and stationery used by the State shall be furnished,

Together with the amendment proposed thereto by the Senate by way of substitute therefor, with sundry amendments proposed by said committee to said substitute.

Said substitute reads as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The Governor, Auditor of Public Accounts, Secretary of State, Treasurer and Attorney-General shall be *ex officio* Commissioners to let contracts for the printing, binding and stationery used by the various State departments, except such as may be necessary in the publication of the reports of the decisions of the Court of Appeals, for which provision is hereinafter made. The Governor shall be Chairman of the Board of Commissioners, and he or any two of the Commissioners may, at any time, call a meeting thereof, and three of the Commissioners shall constitute a quorum; the Commissioners shall transact all business at stated or special meetings, and shall cause to be kept a record of their proceedings.

§ 2. The furnishing of all printing papers, stationery and supplies for the use of the State, and the printing and binding of the journals and reports, and the manufacture and furnishing of all blank books, which are to be paid for out of the State Treasury, and all other printing and binding made necessary by law, shall be let by contract to the lowest and best bidder, in the manner hereinafter provided; but no contract shall be let to a member of the General Assembly, or to any person holding a State office, or to any person who is not a citizen of Kentucky, and who does not covenant to perform all the work within the State, except the matter specified in the second, third and fourth classes, which may be done or purchased out of the State; nor shall any such persons be, in any way, interested in such contract.

§ 3. The printing, paper, stationery and supplies necessary for the use of the State printing and binding specified in the first class, shall be furnished and paid for by the State, and the Commissioners of Public Printing of the State shall, upon the requisition of the contractor from time to time, as the same may be needed, deliver over to the contractor suitable paper, stationery and supplies for the printing and binding which is required by his contract to do. The Commissioners shall take and preserve from such contractor a receipt for all paper and supplies so delivered; and at the annual settlement on the first Monday in January the contractor shall deliver to the Commissioners of the Public Printing all paper and supplies so furnished by them, which has not been used in the State printing and binding; and if any such paper or supplies has been wasted or converted to any other use, the contractor to whom the same has been delivered shall be charged with the value therefor, together with the penalty of fifty per cent., and the amount shall be deducted from his account.

§ 4. The printing and binding for the State shall be divided into four classes, to be let in separate contracts, as follows: The printing of all bills for the two Houses of the General Assembly, together with such resolutions and other matters as may be ordered

by the two Houses or either of them, to be printed in bill form, and the printing and binding of the Journals of the two Houses, together with such reports, communications and other documents as enter into and make a part of the Journals; the printing and binding of the volumes of Public Documents, and of the general and local laws and joint resolutions; the printing and binding of the State reports containing the decisions of the Court of Appeals; the printing and binding of all reports, documents and other matters, bound in either book or pamphlet form, except such as shall enter into or be bound with the Journals of the two Houses, and all printing for the department of public instruction, and all miscellaneous printing and binding necessary for the several departments, and not otherwise provided for in this law, shall constitute the first class, and be let in one contract. The manufacture and furnishing of all blank books used by counties which are to be paid for out of the State Treasury, shall constitute the second class, and be let in one contract. The lithographic printing and engraving shall constitute the third class, and be let in one contract; and the furnishing of all printing paper, stationery, and such other supplies for the use of the State as provided for in this law, shall constitute the fourth class, and be let in one contract: *Provided, however,* That nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more classes of the printing and binding, if he be the lowest and best bidder therefor; but the contract for furnishing of paper, stationery and supplies for the printing and binding specified in the fourth class, shall be separate and independent from any of the other classes, and shall be let in one contract.

§ 5. The Commissioners shall, between the first day of September and the first day of December next after the passage of this law, and biennially thereafter, within the same period, give notice for the period of at least thirty days, in at least one newspaper in each of the cities of Frankfort, Louisville, Lexington, Covington, Paducah and Cincinnati, O., that sealed proposals will be received at the office of the Secretary of State for the executing of the several classes of the public printing and binding in separate contracts, and for furnishing paper, envelopes and other stationery for the term of two years from and after the first Monday in January next ensuing, at a certain rate per centum, not to exceed the rates specified in this law.

§ 6. Within two days after the expiration of the time for receiving proposals as aforesaid, the Commissioners, or any three of them, shall open all such proposals, and shall proceed publicly to allot the printing and binding in each class as aforesaid to the person who proposes to execute the same at the lowest rate per centum, not to exceed the rate fixed by the schedule annexed to this law, and in the same time and manner award the contract for furnishing stationery.

§ 7. Each bidder shall accompany his proposal with a bond to

the Commonwealth, with at least two sufficient sureties, to be approved by the Governor, resident of the State, in the sum of ten thousand dollars, conditioned for the acceptance of the contract, and the prompt, faithful and skillful performance of the work in the manner provided for in this law, if allotted to him; and said bond shall contain the further condition that, in case the contract is awarded to the person bidding, and the said person refuse or neglect to accept the same at his bid, he, with his sureties aforesaid, shall be liable to the Commonwealth for the difference between the amount of such bid and the amount of the bid of the person to whom the same shall be awarded after such neglect or refusal, as provided in the seventh section of this law.

§ 8. In case the person to whom the contract for executing any of the printing, or printing and binding specified in this law, or the contract to furnish the stationery, may be awarded, shall refuse or neglect to accept the same, the Commissioners shall allot the same to the next lowest bidder or bidders, and if he or they refuse or neglect to accept the same, then it shall be allotted to the next lowest bidder, and so on, until said contract is given to the lowest bidder, according to the true intent and meaning of this law; but no allotment of such contract shall be made to any person whose proposal is not accompanied with a bond, as required by the provisions of the seventh section of this law.

§ 9. The Commissioners, with the consent of the Governor, may reject any or all bids; and no contract shall be made without the written approval of the Governor. If two or more persons bid the same price for either class of the work to be done, and said price is the lowest for that class, the Commissioners may award the contract to such one of said bidders as they deem best for the best interest of the State.

§ 10. If, for any reason, any contract shall not be let at the time contemplated, and whenever, on account of any contract being canceled, or for other cause, any contract is required to be let at any other time, the Commissioners shall fix the time when they will receive bids therefor, and shall solicit and receive such bids and make awards as nearly as may be in the same manner and upon the same terms as hereinbefore provided.

§ 11. If any contractor shall fail, in whole or in part, to fulfill his contract, the Commissioners may cancel such contract, and notify the contractor in writing of the reasons therefor, and the Commissioners are hereby given power and authority, with the approval of the Governor, to suspend, declare void, or cancel any contract entered into by them whenever a majority of them are of the opinion that such contract was obtained by fraud, conspiracy or other unlawful means; and when any contract is so held to be void, suspended or canceled, the Commissioners may make new contracts in such manner as they deem best for the interest of the State.

§ 12. Any person who shall offer to or pay to any person any

money or other thing of value to induce such other person not to bid for any contract provided for in this chapter, or as a recompense to him for not having bid for such contract, shall be guilty of a misdemeanor, and fined not less than two thousand dollars nor more than five thousand dollars.

§ 13. The proposals authorized to be received by this law shall be sealed up, addressed and delivered to the Secretary of State, and be indorsed "Proposals for the Public Printing and Binding and Furnishing Stationery," and the Secretary shall carefully keep them until they are opened according to the provisions of section five of this law.

§ 14. The printing and binding appertaining to the first class must be executed at the State capital. If any work appertaining to the second or third classes shall be executed elsewhere than at the State capital, all transportation of paper, copy, proof or printed sheets, and delivery of work when finished, shall be at the expense of the contractor for such work.

§ 15. The bills and other matters specified in the first class of printing, except the Journals of the two Houses, and such other matter as not otherwise provided in this law, shall be printed in folio foolscap form, with pica type, each page to contain not less than thirty lines of solid matter of the usual length, with a pica reglet only in each space between the lines; and in counting the composition upon the bills, and like matter contained in the first class, the same shall be measured as solid small pica matter. Every necessary fraction of a page shall be counted as a full page; but no entire blank page shall be counted or charged for.

§ 16. The Journals of the two Houses of the General Assembly, the volumes of public documents, and the laws, shall be printed in super-royal octavo form, on small pica type. The pages to be twenty-six ems pica wide and forty-six ems pica long, so as to conform as near as possible to the present size and style of the Journals, documents and laws, without any unnecessary leads, blank or broken lines or pages. The State reports containing the decisions of the Court of Appeals shall be printed upon number one sized and super-calendared paper, the pages not to be less than twenty-two and one-half pica ems wide and not less than forty-three pica ems in length, on neat small pica type; and shall be bound in full law sheep, and shall be as near as possible uniform in size when so printed and bound as to conform to the present volumes of the Kentucky Reports. The volumes of public documents shall contain nothing that is to be inserted in the laws or Journals of the same year; and the various documents inserted therein shall follow each other in as close, compact order as is consistent with good workmanship, without the intervention of unnecessary blanks or separate title or half-title pages, and the paging thereof shall be separate, and at the conclusion shall be an index, showing the order in which the documents appear. In cases

when any document is printed in pamphlet form by the contractor for the printing of the volumes of public documents, which shall also be inserted in said volumes, and when any document shall be printed in pamphlet form by the contractor for the printing of the Journals, which shall also be printed in the Journals, but one charge shall be made or allowed for the composition thereof, unless such matter be reset.

§ 17. The printing for the Executive Departments shall be executed in a style consistent with good taste and workmanship, and with due regard to economy. In estimating the composition, all work in script type, or of which script is the chief kind used, shall be estimated as pica, and measured by the surface actually covered, not by the size of the sheet used. All open work, such as blank commissions and the like, shall be estimated in the same manner; but no job shall be counted less than one thousand ems. All other work, in other than script type, shall be estimated according to the type used: and when different kinds are used in the same job, it shall be estimated proportionately to the different kinds used. In estimating press-work in this class, a quire shall be considered twenty-four impressions of a side or page, as the case may be, of twenty-four full sheets of such paper as may be adapted to the job or selected with such matter as shall be directed to be put upon it by the officer ordering the work, but no job of press-work shall be estimated at less than one quire.

§ 18. If any report, bill or other document is ordered printed, and no number is specified, but two hundred copies shall be printed.

§ 19. There shall be printed by the contractor or contractors for the public printing and binding five hundred copies each of the Journals of the House of Representatives and Senate; three thousand copies of the bound edition of the laws of each session of the General Assembly; one thousand copies of the State Treasurer's report; two thousand five hundred copies of the Auditor's report; six thousand copies of the report of the Superintendent of Public Instruction; three hundred copies each of the Adjutant and Quartermaster's reports; five hundred copies each of the reports of the superintendents of the several charitable institutions of the State, the wardens of the penitentiaries, the president of the Agricultural College, the Commissioners of Public Printing, the Commissioner of Agriculture. The reports of the Auditor, the Acts, the Journals of each House, the report of the Commissioner of Agriculture, and one hundred copies of the Governor's Message, shall be bound, all others shall be only stitched, unless otherwise specially ordered.

§ 20. The Commissioners may contract for any printing, binding, and furnish paper and such other supplies as provided herein, and name the number of copies to be printed and bound of all matter not otherwise provided for in this law: *Provided, however,* The same shall be let to the lowest responsible bidder therefor.

§ 21. Each contractor for any class of the public printing and binding shall file and preserve one copy of each document by him printed, which he shall deliver to the Secretary of State, with his account for the same, in which account shall be specifically stated the various jobs performed, the number of copies of each, the number of ems composition in each, the number of tokens or quires of press-work in each designated, the officer for whom it was ordered, with the kind and quantity of paper used for each job.

§ 22. Every bill for printing, binding and for stationery furnished, or work done by any contractor under this act, shall contain a detailed, itemized account, in such form that the same may be readily compared with the contract; and shall also contain such other particulars as may be directed by the commissioners. Every bill shall be presented to the Commissioners of Public Printing, who shall carefully examine and compare the same with the vouchers and orders relating thereto, and if any error is found in any account, they shall correct the same, and return the account to the contractor. If the account is found to be correct, or when it has been corrected, the Commissioners or a majority of them shall indorse the same, and thereupon the Auditor shall draw a warrant in favor of the contractor upon the Treasurer for the amount thereof. If any job is rejected on account of error attributable to the contractor, he shall promptly reprint the same without charge therefor.

§ 23. The Commissioners shall procure samples of paper, envelopes, parchment and other supplies required for executing the public printing and binding for the use of the several State Departments, and furnish the same to all persons who may propose to bid for the contract.

§ 24. The Commissioners may, if they deem it best for the interest of the State, purchase all paper, stationery and supplies, or any part thereof, from the manufacturers, or in the open market, and if a contract is made directly with the manufacturer, or the paper and stationery is bought in the open market, the Commissioners shall require a bond, with good sureties, worth, jointly or severally, ten thousand dollars, resident of this Commonwealth, to be executed by the manufacturer for the faithful performance of his contract.

§ 25. The State shall furnish paper, stationery and supplies for all the work specified in the first class; but the paper and all materials used in the manufacture of blank books, and in every other class of binding, provided for in this law, shall be at the cost of the contractor therefor.

§ 26. The rates for all proclamations, advertisements, notices, proposals and other publications made by any State officer, or other person on behalf of the State, and authorized to publish the same, shall be as follows: For each line of nonpareil type of the length of the width of a newspaper column, ten cents for the first, and seven and one-half cents for each subsequent inser-

tion, but when the lines shall be longer than as above stated, the same shall be paid for in proportion to such excess of length. The Commissioners shall have power to direct in what newspapers such publications shall be made, and they shall be paid for as follows: The publisher shall file with the Auditor of Public Accounts a voucher, duly approved by the person who ordered such publication to be made, and approved by the Commissioners, and thereupon the Auditor shall draw his warrant on the Treasurer in favor of the publisher for the amount, but no allowance shall be made for space occupied by unnecessary blank or displayed head-lines, or other device to increase the amount, not required by good taste and the nature of the matter inserted.

PRINTING.

§ 27. For all composition, in whatever type, excepting bills, blanks, and miscellaneous printing, the rates per one thousand ems shall not exceed the following: Plain composition, fifty (50) cents per thousand ems.

Column matter, in three or more columns, depending upon each other, and reading across the page, without rules, seventy-five (75) cents. Rule, figure work, tabulated, indexing and side notes one (1) dollar, and if any branch of the printing, tabular statements occur which is impracticable to print on the ordinary sized pages, the same shall be printed on tabulary sheets of the necessary size, and the amount of composition on the same shall be ascertained by measuring the printed surface, and thereby ascertaining the number of ems.

Original composition transferred from one document to another, of whatever character, per one thousand ems, ten (10) cents. This to include leading or unleading, over-running, changing head or foot lines, and making up forms.

No composition shall be leaded unless actually required, which leading must be directed by the Commissioners in writing. Nor shall any composition, on any pretext whatever, be paid for a second time upon any report, document or publication, unless the work shall have been actually done, and only then when unavoidable necessity compels its re-setting.

No allowance shall be made for correcting forms in any case, except where material alterations shall have been made in original copy, in which case there shall be allowed for every hour of time occupied in making such corrections fifty (50) cents.

PRESS-WORK ON FULL SHEETS OF ANY SIZE.

§ 28. For each token of two hundred and fifty impressions, including dry pressing, fifty (50) cents; but no job shall be counted less than a token.

LEGISLATIVE BILLS.

§ 29. All bills, resolutions, etc., ordered by the General Assembly, or either branch thereof, ordered printed in bill form, fifty (50) cents per thousand.

For folding and inserting maps, diagrams, plates and illustrations, with or without facings, per one hundred copies, one (\$1) dollar.

For plain solid blanks, such as the Governor's proclamation for rewards, etc., fifty (50) cents per quire.

BINDING.

§ 30. Paper covers, including composition, press-work and putting on all books, documents and publications, for one hundred copies, one dollar and fifty (\$1.50) cents; the paper to be furnished by the Commonwealth.

The words "Public Property," "Property of the State," "State Library," etc., to be put in and on all books without extra charge.

For half-binding—all materials to be furnished by the contractor—leather backs, titles lettered with gold-leaf, paper sides, as follows, per volume:

Half-law skiver binding, fifty (50) cents.

Half-law sheep binding, seventy (70) cents.

Half-law roan binding, seventy (70) cents.

For full binding, as follows, per volume:

Law skiver binding, seventy (70) cents.

Law sheep binding, ninety (90) cents.

Law calf binding, one dollar and twenty (\$1.20) cents.

Cloth binding, as follows:

All books, documents, or other publications in muslin covers, plain colors, whether plain, gilded or embossed, with lettering on sides or backs, or both, per volume, fifty (50) cents.

RULING AND BLANK BOOK WORK.

§ 31. For ruling and binding blank work (paper and all material used to be furnished by the contractor or contractors), as follows:

Per quire, letter size or smaller, for half binding with corners, thirty (30) cents.

Half binding, with spring backs, fifty (50) cents.

Full binding, with spring backs, sixty-five (65) cents.

For binding, with Russia corners, seventy-five (75) cents.

For binding, Russia ends and bands, ninety (90) cents.

Plain, per quire, half binding, cap size, thirty-five (35) cents.

Plain, per quire, with spring backs, fifty-five (55) cents.

- Full binding, sixty-five (65) cents.
- Full binding, Russia corners, eighty-five (85) cents.
- Full binding, Russia ends and bands, one dollar and ten (\$1.10) cents.
- Half binding, demy, per quire, fifty (50) cents.
- Half binding, demy, spring backs, seventy-five (75) cents.
- Full binding, ninety (90) cents.
- Full binding, Russia corners, one (\$1) dollar.
- Full binding, Russia ends and bands, one dollar and thirty (\$1.30) cents.
- Half binding, medium, per quire, eighty-five (85) cents.
- Half binding, with spring backs, ninety-five (95) cents.
- Full binding, one dollar and ten (\$1.10) cents.
- Full binding, Russia corners, one dollar and thirty-five (\$1.35) cents.
- Full binding, Russia ends and bands, one dollar and sixty (\$1.60) cents.
- Half binding, royal, per quire, one dollar and ten (\$1.10) cents.
- Half binding, royal, with spring backs, one dollar and thirty-five (\$1.35) cents.
- Full binding, one dollar and sixty (\$1.60) cents.
- Full binding, Russia corners, one dollar and eighty-five (\$1.85) cents.
- Full binding, Russia ends and bands, two dollars and ten (2.10) cents.
- Half binding, superroyal, per quire, one dollar and sixty (\$1.60) cents.

STATIONERY.

§ 32. The maximum price of printing paper for books, covers, letter-heads, bills, envelopes, parchment, and other paper used in doing the State printing, and all stationery used by the State, shall be five per centum greater than the market price of such paper and stationery, at wholesale, in the city of Louisville, Ky., and Cincinnati, Ohio, at the time of making the contract, and no contract shall be made at any higher rate.

GENERAL PROVISIONS.

§ 33. Any printing, binding, or the manufacture of blank books, to be done for the State, and the furnishing of paper and stationery, not embraced in the foregoing provisions, shall be subject to the provisions of this law, and the Commissioners of Public Printing may advertise for proposals therefor, and let the same as aforesaid, whether provided for by law or resolution.

§ 34. The present Public Printer shall complete all unfinished

printing and binding in his hands on the first Monday in January, 1894, but shall not thereafter accept or do any new work if the contract for the printing and binding is let by said date. If not let by said date, the Commissioners shall contract with him, or any other person, for the completion of all unfinished work then in the hands of said Public Printer: *Provided, however,* The same shall be let to the lowest responsible bidder therefor.

§ 35. Each contractor shall, annually, on the first Monday in January, make a full report to the Commissioners of Public Printing the operations of his department, and a detailed exhibit of the receipts and expenditures, and such other matters as provided by law, and as may be directed by the Commissioners.

§ 36. The Secretary of State shall furnish a correct copy of the laws as they are demanded by the Printer thereof, and the Clerks of the respective branches of the General Assembly shall each furnish to the Printer, who is bound by his contract to print the same copies of the Journals, bills, reports and other papers, documents and resolutions, without unnecessary delay, and no contractor shall be accountable for any delay occasioned by the want of such copy.

§ 37. The contractor for the printing and binding of the first class shall promptly, and without delay, execute all orders of the General Assembly, or either branch thereof, for the printing of all bills, resolutions and other matter; and all contractors under the provisions of this act shall promptly, and without unnecessary delay, execute all orders to them issued by the General Assembly, or either branch thereof, or the execution officers of the State. The Journals of the two branches of the General Assembly, and all general and local laws, shall be printed and bound, and delivered to the party authorized by law for distribution within sixty days after the adjournment of the General Assembly, under the penalty of the forfeiture of his bond; but printed signatures of the Journal's of each day's proceedings of both Houses of the General Assembly shall be printed for the use of the members thereof as soon as furnished the contractor for the printing of the same by the Clerks of both Houses; but the Commissioners may, on good cause shown by any such contractor, extend the time, not exceeding thirty days, for executing said work, except the printed signatures of the Journals, which shall be printed immediately upon the receipt of the copy of same by the contractor, as provided by this section.

§ 38. The Clerk of the Senate and the Clerk of the House, of the respective sessions of the General Assembly, shall prepare indexes to the printed Journals of the Senate and House, and attend to reading the proof-sheets of the same, for which they shall receive such pay as may be allowed them by the General Assembly. The preparing of indexes, foot and side notes, for all other matter requiring the same, shall be under the super-

vision and management of the Commissioners of Public Printing, as they seem best.

§ 39. The Commissioners of Public Printing shall, on the first day of February, 1895, and every two years thereafter, report to the General Assembly the number of printing contracts, to whom the same were let, and at what prices; the amount of printing and binding that has been done under said contract, and the cost therefor, and all other matters connected with the public printing, and make such suggestions as they may deem expedient and proper to further carry out the provisions of the Constitution and the provisions of this law.

§ 40. It is necessary, in order to comply with the constitutional provision concerning the public printing, that this act should become a law within less than ninety days after the adjournment of this General Assembly, an emergency is hereby declared to exist, and it is, therefore, enacted that this act shall take effect and be in force from and after its passage and approval by the Governor.

§ 41. The Judges of the Court of Appeals shall be *ex officio* Commissioners to let contracts for the printing, stereotyping and binding of the reports of the decisions of said court, and said contracts shall be made by them in the same manner as is provided herein for the printing and binding of the first class; the sealed proposals to be delivered to them at the State Library; and all provisions herein as to the printing and binding of the first class shall, in so far as applicable, govern the printing, stereotyping and binding of said decisions, except that said work need not be executed in the city of Frankfort, and that said Commissioners may, if they deem best, give notice that sealed proposals will be received for the execution of said work at a certain price per volume, not to exceed \$2.50. There shall be printed by the contractor for the printing and binding of said decisions such number of copies as may be ordered by said Commissioners, not to exceed one thousand, each volume to contain not less than 750 pages. The work of the contractor shall be subject to the approval of the said Commissioners, and when accepted by them, the required number of copies shall be delivered by him to the State Librarian, who shall sell them at a price not exceeding the actual cost of same as certified by said Commissioners, and 20 per cent. thereon.

§ 42. After the required number of copies of said report is printed, the contractor shall deliver the stereotyped plates to the State Librarian, who shall preserve them as the property of the Commonwealth; and whenever the original edition of any volume of said reports is exhausted, the said Commissioners for the printing and binding of the reports shall have a new edition thereof printed from the stereotyped plates, but such new edition shall not be less than 250 nor more than 500 copies in number, and shall be printed under contract made by said Commissioners at a price not exceeding \$1.50 per copy.

§ 43. All acts or parts of acts in conflict with this act, or any parts of it, are hereby repealed.

Ordered, That said substitute be taken up and considered section by section.

The said committee offered the following amendment to section one (1), viz:

Amend by striking out all after the word "departments," in line five, down to the word "the."

Said amendment was agreed to.

Section 1 was read, and, as amended, adopted.

The committee offered to amend section two (2) by striking out all after the word "office," in line nine, down to and including the word "State," in line twelve.

Said amendment was agreed to.

Section 2, as amended, was adopted.

Mr. Pettit offered the following substitute for section three (3), viz:

§ 3. The printing, paper, stationery and supplies necessary for the State printing and binding shall be furnished to those contracting to do the said work at the actual cost to the State, including freight, expressage and other incidental expenses. The Commissioners shall take and preserve from such contractor a receipt for all paper and supplies so furnished, and make settlement therefor.

Said amendment was agreed to.

Section three, as amended, was adopted.

Said committee offered the following three amendments to section four (4), viz:

1. Amend by striking out all after the word "resolutions," in line ten, down to and including the word "appeals," in line twelve.

2. Amend by inserting after the word "contract," in line twenty-six, the following, viz: "The printing and binding of the State reports containing the decisions of the Court of Appeals shall constitute the fifth class, and be let in one contract."

3. Amend by striking out all after the word "therefor" in line twenty-nine.

Mr. Walton moved to amend section 4 by striking out "four," in line two, and inserting in lieu thereof "five."

Said several amendments to section 4 were read and agreed to.

Section 4, as amended, was adopted.

The committee offered the following amendment to section 5 by way of substitute therefor, viz :

§ 5. The Commissioners shall, within thirty days after the passage of this act, give notice for a period of thirty days in one newspaper in each of the cities of Frankfort, Louisville, Lexington, Covington, Paducah, in Kentucky, and Cincinnati, Ohio, that sealed proposals will be received at the office of Secretary of State, for the executing of the several classes of the public printing and binding in separate contracts, and other stationery, for the period from August 1, 1893, to January 1, 1896, at a certain rate per centum, not to exceed the rate specified in this act. Within two days after January 1, 1896, and biennially thereafter, thirty days' notice of each allotment having been given, the Commissioners shall allot the public printing and binding in accordance with the provisions of this law.

Section 5, as amended, was adopted.

Sections 6 and 7 were severally adopted without amendment.

Mr. Pettit moved to amend section 8 by inserting after the word "law," in line nine (9), the words "and section 247 of the Constitution."

Said amendment was disagreed to.

Section 8 was adopted without amendment.

Mr. Walton moved to amend section nine (9) by striking out the words "with the consent of the Governor."

Said amendment was agreed to.

Section nine (9), as amended, was adopted.

Sections 10, 11, 12 and 13 were severally adopted without amendment.

Mr. Pettit offered the following amendments to section 14, viz:

Strike out, in lines one and two, the words "the printing and binding appertaining to the first class must be executed at the State Capital;" and strike out, in lines two and three, the words "appertaining to the second or third class."

Said amendments were agreed to.

Section 14, as amended, was adopted.

Sections 15, 16, 17 and 18 were severally adopted without amendment.

The committee offered an amendment to section nineteen (19) as follows :

Insert after the word "Assembly," in line five (5), the words

“one thousand copies of the reports containing the decisions of the Court of Appeals.”

Said amendment was agreed to.

Mr. Hay moved to amend section 19 by striking out the word “six,” in line eight, and inserting in lieu thereof the word “two.”

Said amendment was agreed to.

Section 19, as amended, was adopted.

Sections 20, 21, 22 and 23 were severally adopted without amendment.

Mr. Pettit moved that sections 24 and 25 be stricken out.

Said motion was agreed to.

Section 26 was adopted without amendment.

The committee offered an amendment to section 27, as follows, viz :

Strike out the word “fifty,” in line three, and insert in lieu thereof “forty.”

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Charlton and Ryan, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. C. Glenn,	John S. May,
Lewis Alexander, Sr.,	S. M. Gough,	W. F. Neat,
W. W. Ayres,	Geo. T. Halbert,	Eli Nicholls,
John T. Bashaw,	Thos. H. Hanks,	W. F. Peak,
B. F. Bennett,	U. G. Harlow,	Thos. S. Pettit,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
F. P. Combest,	H. K. Hay,	C. D. Reed,
R. F. Comer,	P. R. Hays,	Waller Sharp,
J. M. Dawson, Jr.,	B. B. Hensley,	S. H. Shouse,
J. E. Durham,	W. J. Hissem,	Fenton Sims,
D. B. Edmiston,	Berry Howard,	W. R. Stewart,
McD. Ferguson,	Daniel James,	J. R. Summers,
John Finn,	J. S. Joplin,	J. R. Thomas,
George Will. Follis,	R. M. Kincheloe,	John M. Tinsley,
J. M. Frazee,	Lewis Y. Leavell,	N. S. Walton—47.
J. P. Gay,	C. W. Mathers,	

Those who voted in the negative, were—

A. H. Charlton,	John M. Letterle,	R. E. Roberts,
L. J. Cox,	W. H. May,	John Ryan,
Ben. F. Gardner,	M. D. McInerney,	John D. Woods—10.
Henry Kremer,		

Mr. Frazee moved that the House do now take a recess until 3 o'clock, P. M.

Said motion was agreed to.

AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 160. An act relating to crimes and punishments,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

And then the House adjourned.

FRIDAY, MARCH 31, 1893.

The House was opened with prayer by Rev. Father Gorey, of the Catholic Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore). J. M. Frazee,
Lewis Alexander, Sr., J. C. Glenn,
W. W. Ayres, S. M. Gough,

Hiram McElroy,
W. F. Neat,
Eli Nicholls.

W. S. Bailey,	Geo. T. Halbert,	W. F. Peak,
John T. Bashaw,	Thos. H. Hanks,	Thos. S. Pettit,
B. F. Bennett,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
John Botts,	H. K. Hay,	A. T. Pullen,
Polk Cansler,	P. R. Hays,	C. D. Reed,
B. E. Caudill,	B. B. Hensley,	John Ryan,
A. H. Charlton,	W. J. Hissem,	D. H. Severs,
R. F. Comer,	Berry Howard,	S. H. Shouse,
L. J. Cox,	F. W. Hutcheson,	C. C. Spalding,
W. J. Cox,	Daniel James,	W. W. Stephenson,
J. M. Dawson, Jr.,	J. S. Joplin,	W. R. Stewart,
E. M. Dickson,	R. M. Kincheloe,	J. R. Summers,
J. E. Durham,	Lewis Y. Leavell,	J. R. Thomas,
D. B. Edmiston,	John M. Letterle,	John M. Tinsley,
McD. Ferguson,	C. W. Mathers,	N. S. Walton,
John Finn,	W. H. May,	Geo. E. Willett,
George Will. Follis,	John S. May,	John D. Woods—63.

The following members were absent, viz :

T. J. Arnett,	J. P. Gay,	Granville Philpot,
Posey D. Ball,	R. K. Hart,	I. M. Quigley,
John Bartman,	W. W. Johnson,	R. E. Roberts,
R. F. Bass,	T. S. Kirk,	Waller Sharp,
W. P. Beard,	Henry Kremer,	Fenton Sims,
P. S. Bruner,	William Krieger,	Samuel O. Tate,
A. J. Carroll,	H. P. Lively,	Lewis E. Thomas,
F. P. Combest,	M. D. McInerney,	D. W. Tribble,
Wesley Crow,	Harvey Myers,	J. H. Welch,
J. S. Cullen,	J. P. O'Meara,	H. P. Whitaker,
James R. Dean,	John Lee Payne,	B. F. Willett,
Wm. Garrison,	J. A. Perkins,	R. B. Wilson—37.
Ben. F. Gardner,		

The reading of the Journal of yesterday's proceedings was dispensed with, and the Journal was approved.

Mr. J. R. Thomas, from the Committee on Legislative Districts, reported the following bill, viz :

S. B. 198. An act to divide the State into one hundred Representative Districts.

Which was read the first time at length, and ordered to be printed, and read the second time on another day.

Mr. Tinsley, from the Committee on Municipalities, reported the following bill, viz :

S. B. 217. An act for the government of towns of the sixth class,

With sundry amendments proposed thereto by the committee.
Said bill was read the second time.

The House took up for consideration the unfinished business of yesterday, viz :

H. B. 289. A bill to provide how the printing, binding and stationery used by the State shall be furnished.

The Committee on Printing and Accounts offered an amendment to section 27 as follows, viz :

Strike out the word "ten," in line 15, and insert in lieu thereof "eight."

Which was agreed to.

Mr. Charlton moved to amend section 27 as follows, viz :

Amend by inserting in line seven, after the word "cents," the words "per one thousand ems."

Which was agreed to.

Section 27, as amended, was adopted.

Said committee offered an amendment to section 28 as follows :

Amend by striking out "fifty," in line 1, and inserting in lieu thereof "forty."

Which was agreed to.

Said section 28, as amended, was adopted.

Said committee offered an amendment to section 29 as follows, viz :

Strike out "fifty," in line two, and insert "forty."

Which was agreed to.

Also by adding after the word "quire," in line eight, the words "for the first ten quires, and fifteen cents per quire for each additional quire printed at the same time."

Which was agreed to.

Section 29, as amended, was adopted.

The committee offered the following amendments to section thirty (30), viz :

1. Amend by striking out "fifty," in line ten, and inserting "forty."

2. Strike out "seventy-five," in line eleven, and insert "sixty-five."

3. Strike out "seventy," in line twelve, and insert "sixty-five."

Said three amendments were severally read and agreed to.

Section 30, as amended, was adopted.

Mr. Pettit moved to amend section 31 by adding after "contractor," in line two, "as provided in section 3 of this act."

Which was agreed to.

Section 31, as amended, was agreed to.

Sections 32 and 33 were adopted without amendment.

The committee offered an amendment to section 34 as follows, viz :

Strike out all to the word "the," in line five, and strike out "him," in line five, and insert "the Public Printer."

Which was agreed to.

Mr. Walton moved to amend section 34 as follows, viz :

Strike out "then," in line seven, and insert "if any," and insert after the word "Printer" the words "on the first day of August, 1893."

Which was agreed to.

Mr. Pettit moved to amend section 34 as follows :

Add to section 34: "But the work begun by the present Public Printer shall be completed by him according to the terms of the law under which the work was begun by him, any thing to the contrary in this section notwithstanding."

Which was agreed to.

Section 34, as amended, was adopted.

Section 35 was adopted without amendment.

Mr. Pettit moved an amendment to section 36 as follows, viz :

Strike out, in line two, the words "as they are demanded by," and insert "to ;" also strike out all after the word "delay," in line six.

Which was agreed to.

Section 36, as amended, was adopted.

Section 37 was adopted without amendment.

Mr. Tinsley offered the following amendment as a substitute for section 38, viz :

§ 38. The contractor for the work shall prepare indexes to the printed laws and Journals of the Senate and House of Rep-

representatives, and attend to reading the proof-sheets of same, for which he shall receive such pay as may be allowed by agreement with the Commissioners. The preparing of all necessary side-notes for all laws requiring the same shall be done by the Clerks of the respective Houses..

Which was agreed to.

Section 38, as amended by said substitute, was adopted.

The committee offered an amendment to section 39 as follows, viz :

Strike out "1895" and insert "1894."

Which was agreed to.

Section 39, as amended, was adopted.

Section 40 was adopted without amendment.

Mr. Walton moved to strike out sections 41 and 42.

Said motion was agreed to.

The vote by which section eleven (11) was adopted was reconsidered, and

Mr. Tinsley moved to amend section 11 as follows, viz :

Strike out "with the approval of the Governor."

Which was agreed to, and said section was readopted.

Mr. Glenn moved to reconsider the votes by which section 19 was adopted, and also by which the amendment offered thereto by Mr. Hay on yesterday was agreed to.

Said two motions were severally agreed to.

The said amendment offered by Mr. Hay to said section was disagreed to.

Said section was readopted.

Mf. Pettit offered the following as an additional section to said substitute, viz :

§ —. All printing, binding, stereotyping, engraving, lithographing, paper, stationery or other supplies, which by the provisions of this act are let to the contractor therefor, shall be executed and furnished by such contractor, and no work nor supplies so let and contracted for shall be executed or supplied by any other person, firm or corporation at cost to the State, and no department of the State, or of any county government, shall order or certify any claim or account for such work or supplies to any person other than the said contractor therefor, except as may be provided in this act.

Which was agreed to.

The bill, as amended by said Senate substitute, as amended, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	J. P. Gay,	W. F. Peak,
Lewis Alexander, Sr.,	J. C. Glenn,	Thos. S. Pettit,
W. W. Ayres,	S. M. Gough,	J. F. Porter,
W. S. Bailey,	Thos. H. Hanks,	E. M. Pryse,
John T. Bashaw,	U. G. Harlow,	A. T. Pullen,
B. F. Bennett,	A. L. Harned,	C. D. Reed,
B. T. Birkhead,	H. K. Hay,	R. E. Roberts,
John Botts,	P. R. Hays,	John Ryan,
B. E. Caudill,	B. B. Hensley,	D. H. Severs,
R. F. Comer,	W. J. Hissem,	S. H. Shouse,
L. J. Cox,	F. W. Hutcheson,	Fenton Sims,
W. J. Cox,	Daniel James,	C. C. Spalding,
J. M. Dawson, Jr.,	J. S. Joplin,	W. W. Stephenson,
E. M. Dickson,	R. M. Kincheloe,	W. R. Stewart,
J. E. Durham,	Lewis Y. Leavell,	J. R. Summers,
D. B. Edmiston,	John M. Letterle,	John M. Tinsley,
McD. Ferguson,	C. W. Mathers,	D. W. Tribble,
John Finn,	W. H. May,	N. S. Walton,
George Will Follis,	Hiram McElroy,	Geo. E. Willett,
J. M. Frazee,	W. F. Neat,	John D. Woods—62.
Ben. F. Gardner,	Eli Nicholls,	

In the negative—A. H. Charlton—1.

Leave of absence, indefinitely, was granted Messrs. Beard and Halbert.

The House took from the orders of the day H. B. 489, entitled
An act to appropriate money to reimburse A. L. Harned for money expended in his contest.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the sum of three hundred dollars be, and the same is hereby, appropriated to pay A. L. Harned his expenses incurred in his contest for his seat as a member of this body.

§ 2. That the Auditor be, and is hereby, directed to draw his warrant on the Treasurer for said amount, payable to said A. L. Harned.

§ 3. That this act shall take effect from its approval by the Governor; an emergency is declared, by reason of the fact that the said A. L. Harned has been deprived of the use of the money expended in said contest.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Thos. S. Pettit,
Lewis Alexander, Sr.,	J. C. Glenn,	E. M. Pryse,
W. W. Ayres,	S. M. Gough,	A. T. Pullen,
W. S. Bailey,	U. G. Harlow,	I. M. Quigley,
Posey D. Ball,	P. R. Hays,	John Ryan,
John Botts,	B. B. Hensley,	D. H. Severs,
Polk Cansler,	W. J. Hissem,	Waller Sharp,
A. J. Carroll,	Berry Howard,	S. H. Shouse,
B. E. Caudill,	Daniel James,	Fenton Sims,
A. H. Charlton,	J. S. Joplin,	C. C. Spalding,
L. J. Cox,	Henry Kremer,	W. W. Stephenson,
W. J. Cox,	Lewis Y. Leavell,	W. R. Stewart,
E. M. Dickson,	John M. Letterle,	D. W. Tribble,
D. B. Edmiston,	W. H. May,	N. S. Walton,
McD. Ferguson,	M. D. McInerney,	Geo. E. Willett,
John Finn,	W. F. Neat,	R. B. Wilson,
J. M. Frazee,	Eli Nicholls,	John D. Woods—53.
Ben. F. Gardner,	W. F. Peak,	

Those who voted in the negative, were—

John T. Bashaw,	J. M. Dawson, Jr.,	R. E. Roberts,
B. F. Bennett,	J. E. Durham,	John M. Tinsley—8.
B. T. Birkhead,	Hiram McElroy,	

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had passed a bill, entitled

S. B. 235. An act to prevent unjust and oppressive taxation for turnpike road purposes.

Ordered, That said bill be referred to the Committee on Revenue and Taxation.

The House took from the orders of the day H. B. 488, entitled

A bill fixing the salary of the Judges of the Court of Appeals of Kentucky.

Mr. Carroll moved that said bill be made the special order for Wednesday, April 5, prox.

Said motion was agreed to.

The House took from the orders of the day S. B. 103, entitled
An act relating to fees.

Mr. Gardner moved that said bill be made the special order
for Wednesday, April 5th, at 11 o'clock, A. M.

Said motion was agreed to.

The House took from the orders of the day the motion here-
tofore entered by Mr. Follis to reconsider the vote by which the
House passed a bill, entitled

S. B. 196. An act to protect game and small birds.

Said motion was disagreed to.

The House took from the orders of the day H. B. 473, entitled
A bill to provide for bringing suits against the Common-
wealth of Kentucky, and prescribing in what court same shall
be brought.

Mr. Hensley offered an amendment to said bill as follows, viz :

Amend section 1 by striking out the word "Franklin," and
inserting after the word "court," in line three, the words "of
the county in which the seat of State government is located."

Which was agreed to.

Mr. Sims moved that said bill be made the special order for
Thursday, April 6th, at 11 o'clock, A. M.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, APRIL 1, 1893.

The House was opened with prayer by Rev. Father Gorey,
of the Catholic Church.

Upon the call of the roll, the following members were present,
viz :

Mr. Speaker (Moore),	McD. Ferguson,	C. W. Mathers,
Lewis Alexander, Sr.,	Geo. Will. Follis,	Hiram McElroy,
W. W. Ayres,	J. M. Frazee,	W. F. Neat,
W. S. Bailey,	J. C. Glenn,	Eli Nicholls,
Posey D. Ball,	S. M. Gough,	J. P. O'Meara,

John T. Bashaw,	Thos. H. Hanks,	Granville Philpot,
B. T. Birkhead,	A. L. Harned,	J. F. Porter,
John Botts,	H. K. Hay,	E. M. Pryse,
Polk Cansler,	P. R. Hays,	D. H. Severs,
B. E. Caudill,	B. B. Hensley,	S. H. Shouse,
R. F. Comer,	W. J. Hissem,	C. C. Spalding,
L. J. Cox,	Berry Howard,	J. R. Summers,
W. J. Cox,	F. W. Hutcheson,	John M. Tinsley,
J. M. Dawson, Jr.,	Daniel James,	D. W. Tribble,
E. M. Dickson,	J. S. Joplin,	N. S. Walton,
J. E. Durham,	R. M. Kincheloe,	Geo. E. Willett,
D. B. Edmiston,	Lewis Y. Leavell,	John D. Woods—51.

The following members were absent :

T. J. Arnett,	U. G. Harlow,	A. T. Pullen,
John Bartman,	R. K. Hart,	I. M. Quigley,
R. F. Bass,	W. W. Johnson,	C. D. Reed,
W. P. Beard,	T. S. Kirk,	R. E. Roberts,
B. F. Bennett,	Henry Kremer,	John Ryan,
P. S. Bruner,	William Krieger,	Waller Sharp,
A. J. Carroll,	John M. Letterle,	Fenton Sims,
A. H. Charlton,	H. P. Lively,	W. W. Stephenson,
F. P. Combest,	W. H. May,	W. R. Stewart,
Wesley Crow,	John S. May,	Samuel O. Tate,
J. S. Cullen,	M. D. McInerney,	Lewis E. Thomas,
James R. Dean,	Harvey Myers,	J. R. Thomas,
John Finn,	John Lee Payne,	J. H. Welch,
Wm. Garrison,	W. F. Peak,	H. P. Whitaker,
Ben. F. Gardner,	J. A. Perkins,	B. F. Willett,
J. P. Gay,	Thos. S. Pettit,	R. B. Wilson—49.
Geo. T. Halbert,		

The reading of the Journal of yesterday's proceedings was dispensed with, and the Journal approved.

Petitions were presented, received, and referred as follows :

By Mr. Woods—

Petition of sundry citizens of Warren county, asking the reconsideration and adoption of

H. Resolution 95. Resolution authorizing encampment of State Guard at Chicago, Illinois, in 1893.

By Mr. Nicholls—

Petition of sundry citizens of Caldwell county relative to same resolution.

Ordered, That said resolutions be referred to the Committee on Federal Relations.

Mr. Walton moved to reconsider the vote by which the House passed a bill, entitled

H. B. 289. An act to provide how the printing, binding and stationery used by the State shall be furnished,

And also the vote by which the substitute proposed thereto by the Senate was agreed so.

Said two motions were agreed to.

Mr. Walton moved to reconsider the vote by which the amendment proposed by Mr. Pettit to said substitute was adopted.

[*See House Journal March 31st ult.*]

Said motion was agreed to.

Said amendment was disagreed to.

Mr. Walton offered the following amendment to section 34 by way of substitute therefor, viz :

§ 34. The Commissioners shall contract with the Public Printer, or any other person, for the completion of all unfinished work, if any, in the hands of said Public Printer on the first day of August, 1893: *Provided, however,* The same shall be let to the lowest responsible bidder therefor.

Said substitute amendment was agreed to.

Said Senate substitute, as amended, was agreed to.

Said bill was passed as amended by said Senate substitute as amended.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	Hiram McElroy,
Lewis Alexander, Sr.,	George Will. Follis,	W. F. Neat,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
W. S. Bailey,	J. P. Gay,	J. P. O'Meara,
Posey D. Ball,	J. C. Glenn,	Granville Philpot,
John T. Bashaw,	S. M. Gough,	J. F. Porter,
B. T. Birkhead,	Thos. H. Hanks,	E. M. Pryse,
John Botts,	A. L. Harned,	I. M. Quigley,
Polk Cansler,	H. K. Hay,	D. H. Severs,
A. J. Carroll,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	B. B. Hensley,	Fenton Sims,
R. F. Comer,	W. J. Hissem,	C. C. Spalding,

L. J. Cox,	F. W. Hutcheson,	John M. Tinsley,
W. J. Cox,	Daniel James,	D. W. Tribble,
J. M. Dawson, Jr.,	J. S. Joplin,	N. S. Walton,
E. M. Dickson,	R. M. Kincheloe,	Geo. E. Willett,
J. E. Durham,	Lewis Y. Leavell,	John D. Woods—53.
D. B. Edmiston,	C. W. Mathers,	

In the negative—none.

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had passed a bill, entitled

S. B. 232. An act creating and establishing the office of trustee of the jury fund, and prescribing the duties and powers pertaining thereto.

Ordered, That said bill be referred to the Committee on Judiciary.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 205. An act concerning jailers,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time said Enrolling Clerk reported that he had performed that duty.

The Speaker laid before the House the following communication from the Watterson Club of Louisville, viz :

LOUISVILLE, KY., March 31, 1893.

HON. Wm. M. MOORE, *Speaker of the House of Representatives*
Frankfort, Ky.:

MY DEAR SIR: The undersigned hereby extend to you, and through you to all the members of the body over which you

preside, a most earnest and cordial invitation to attend the celebration by the Watterson Club of Jefferson's Day at Macauley's Theater, this city, April 13 next, at 8 o'clock, P. M.

Very respectfully,

W. B. FLEMING, *Chairman*,

R. W. BROWN,

GEORGE C. KILPATRICK, *Committee*.

The following communication was read, and ordered spread on the Journal, viz :

LIVIA, KY., March 30, 1893.

HON. GREEN KELLER, *Clerk House Representatives, Frankfort, Ky.*:

SIR: Hon. Wesley Crow, of Ohio county, requests me to write you concerning his health. He is suffering from valvular disease of the heart, complicated by Bright's disease of the kidneys. His condition is very serious, and his diseases may assume a fatal form at any moment. He is able to take some exercise, but is incapable of sustained effort, either mental or physical. Mr. Crow wishes you to make known his condition to the members of the General Assembly.

Respectfully yours,

P. T. RHOADS, M. D.

Mr. Sims offered the following resolution, viz :

Resolved, That this body has just learned with sorrow of the painful afflictions of Hon. Wesley Crow, the Representative of Ohio county, and hereby tender him and his family our sincere and deep-felt sympathy.

Which was unanimously adopted.

The House took from the orders of the day bills, entitled

H. B. 458. A bill creating the office of circuit court stenographer, and providing for salary thereof.

H. B. 480. An act to protect the fish in the waters of this State.

H. B. 491. A bill to prohibit cattle from running at large unattended in this Commonwealth.

S. B. 214. An act concerning office and officer.

S. B. 227. An act concerning notaries public.

S. B. 229. An act appropriating four thousand dollars to rebuild the hospital at the Eddyville penitentiary, and to raise the ell another story.

Said bills were severally read the second time by their titles,

The constitutional provision as to the second reading of said bills at length being dispensed with.

The House took from the orders of the day H. B. 452, entitled

A bill to authorize county courts to submit propositions for dividing or striking off territory to the legal voters, and providing for the transfer of said territory.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That when a petition, signed in person by not less than a majority of the voters living in such territory, shall be filed at the regular term of county court thereof, asking for same, it shall be the duty of the county court, by order entered of record, to call an election to be held and direct a poll to be opened at the various precincts in the county on the day of next general election to be held in said county for the election of county officers, which does not occur within less than ninety days from the filing of said petition, at which election the proposition for dividing or striking the territory described therein from said county and attaching same to adjoining county, shall be submitted to the legal voters of said county for their approval or rejection. But no order of the county court calling such election shall be legal unless it contains a specific description of the territory proposed to be stricken or divided. It shall be the duty of the county court, by order entered of record, to direct the sheriff of the county to advertise said election and object thereof, for at least sixty days next before the day thereof, in one or more newspapers printed and published in the county, if there be a newspaper published in the county, and also by printed handbills posted at not less than four places in each voting precinct and at the court-house door.

§ 2. It shall be the duty of the officers of said election in each voting precinct to hold said election the same hours they are by law required to hold elections for county officers, and said elections shall be held and conducted in all respects under the general election laws obtaining in this Commonwealth at the time of the election.

§ 3. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same. The portion so stricken off and added to another county shall be bound for its proportion of the indebtedness of the county from which it has been taken, and also for all costs expended.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Neat,
Lewis Alexander, Sr.,	J. P. Gay,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	J. P. O'Meara,
W. S. Bailey,	S. M. Gough,	Granville Philpot,
Posey D. Ball,	Thos. H. Hanks,	J. F. Porter,
John T. Bashaw,	A. L. Harned,	E. M. Pryse,
B. T. Birkhead,	H. K. Hay,	I. M. Quigley,
John Botts,	P. R. Hays,	D. H. Severs,
Polk Cansler,	B. B. Hensley,	Waller Sharp,
B. E. Caudill,	W. J. Hissem,	S. H. Shouse,
R. F. Comer,	Berry Howard,	Fenton Sims,
L. J. Cox,	F. W. Hutcheson,	C. C. Spalding,
Will J. Cox,	Daniel James,	J. R. Summers,
J. M. Dawson, Jr.,	J. S. Jepkin,	John M. Tinsley,
E. M. Dickson,	R. M. Kincheloe,	D. W. Tribble,
J. E. Durham,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	C. W. Mathers,	Geo. E. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—55.
George Will. Follis,		

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Also S. B. 211. An act concerning the office of constable.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

ARTICLE I. Bond and oath of office.

ARTICLE II. What duties they may perform.

ARTICLE III. Miscellaneous provisions.

ARTICLE I. BOND AND OATH OF OFFICE.

Be it enacted by the General Assembly of the Commonwealth of Kentucky : §1. Every person who shall be elected or appointed constable shall, before he enters upon the duties of his office, execute bond, with good sureties, to be approved by the judge of the county court, payable to the Commonwealth of Kentucky, conditioned that he will faithfully discharge all the duties of his office, and shall also take an oath to well and truly perform all the duties thereof. The bond shall be recorded in a book kept for that purpose, and the fact that the oath has been taken and bond executed, with sureties approved by the court, shall, with the names of the sureties, be entered on the records of the county court.

§ 2. A constable may appoint one or more deputies, who shall have all the powers of constables, and the constable and his

sureties shall be liable on his bond for all the acts and omissions of his deputies.

§ 3. The bond shall be renewed biennially, and oftener if required, and the court may at any time require the constable to give other or additional surety.

§ 4. When additional or counter security is required, ten days' notice shall be given to the constable, and upon his failure to give the additional or counter security, or to renew his bond biennially, an order shall be entered by the county court declaring his office vacant.

§ 5. A constable who may vacate or be removed from office shall return and account for all claims, process and papers in his hands, in the same manner as if he had continued in office, or may be required by the county court to deliver them to his successor or the court.

§ 6. Constables and their sureties shall be liable for all their official acts, and any person injured by a breach of a constable's bond may prosecute an action or motion thereon against the constable and his sureties, or any one or more of them, or the personal representative of any one or more of them, jointly, with the survivors, or any of them, for any damages sustained by such person, or for any money collected by him on execution, or other process or writ, or claim, demand or evidence of debt, which on proper demand is not paid, or for a failure to perform any duty required of him by law.

§ 7. The bond shall not be void on any recovery on it; but recovery may be had on it by every person injured by the acts or omission of the constable.

§ 8. Ten days' notice, specifying the grounds of a motion, shall be given. If not executed on all, the motion may proceed against such as are notified.

§ 9. In such cases, the plaintiff shall recover the amount collected by the officer, and interest from the time of demand, and ten per centum damages thereon, and the costs of his motion or action.

§ 10. A constable and his sureties, or any one of them, may, by like motion or action, be rendered liable for the amount of any execution, or other writ or process placed in his hands for collection, and ten per centum of the amount thereof, for not returning such execution to the office from whence it issued, within twenty days after the return day thereof, without reasonable excuse for such failure.

§ 11. In actions or motions against a constable and his sureties or any of them, for money collected by him, his receipt for the claim or demand shall be presumptive evidence, after the expiration of one hundred and twenty days from its date, that such demand has been collected, but such presumption may be rebutted by other evidence.

§ 12. A constable and his surety shall, in like manner, be liable for any fee-bill or other claim or demand placed in his

hands for collection, which he does not collect, and fails, on demand, to return to the party entitled thereto, with a proper indorsement, within six months from the time it is so placed in his hands for collection, also for any injury for failing to collect the same, when, by proper diligence it might have been collected. He shall state in receipts given by him the amount paid. For each failure to do so he shall be fined five dollars. For an illegal charge he shall forfeit his fee, and for each offense shall be fined five dollars.

ARTICLE II. WHAT DUTIES THEY MAY PERFORM.

§ 13. Constables may execute bench warrants, warrants of arrest, distress or other warrants, summons, subpoenas, attachments, notices, rules and orders of court in all criminal, penal and civil cases, and shall return all such process, noting the time of execution on them, to the courts of persons issuing them.

§ 14. No constable shall return any precept directed to him that the defendant is not found, unless he shall have been actually at the place of residence of such defendant, and has not found him, if the defendant is a resident of the county.

§ 15. He shall not be compelled to receive a precept, fee-bill or order for witness attendance, or other claim against any person who is known to be and to reside out of his district, except such precept is in behalf of the Commonwealth, or is a precept against property in his district. But if a constable shall voluntarily receive such precept, fee-bill, order for witness attendance, or other claim, he and his sureties shall be accountable for the same in like manner as if the person it is against resided or was in his district, or had property therein.

§ 16. It shall be the duty of the constable to return all process placed in his hands on or before the return day thereof, under the penalty of five dollars, to be recovered on motion before the court whence it issued, upon proper notice.

§ 17. A constable may exercise the duties of his office in any part of the county, but shall not execute any process in which he is personally interested, under the penalty of ten dollars for each offense; nor shall he levy on or sell land, or any interest therein.

§ 18. A constable may distrain for his own fees, or may place the same in another officer's hands for collection, and may distrain for other officers' fees placed in his hands for collection. He shall account for officers' fees six months after so placed in his hands.

ARTICLE III. MISCELLANEOUS PROVISIONS.

§ 19. Executions, fee bills, orders of witness's attendance, distress warrants and attachments, shall be levied and ratified

by constables, according to the priority of time in which they are placed in their hands; and they shall, in every case, indorse the time of reception.

§ 20. No constable shall buy, or become interested by contract in, any claim against another put into his hands for collection; and any such purchase or contract may be relied on by a defendant in bar of a suit on such claim, or as a ground for vacating a judgment or quashing an execution thereon.

§ 21. Constables shall, after the expiration of their term of office, execute and return all processes or precepts in their hands at the termination of their office, and may replevy or collect all executions and fee-bills then in their hands.

§ 22. It shall be no defense to any action or motion against a constable or his sureties that the precept, execution, process or other authority under which he acted, or it was his duty to act, was stayed or in any manner delayed, unless the same was done in writing, signed by the plaintiff or his agent or attorney.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Neat,
Lewis Alexander, Sr.,	J. P. Gay,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	Granville Philpot,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
Posey D. Ball,	Thos. H. Hanks,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	I. M. Quigley,
John Botts,	H. K. Hay,	D. H. Severs,
Polk Cansler,	P. R. Hays,	Waller Sharp,
B. E. Caudill,	B. B. Hensley,	S. H. Shouse,
R. F. Comer,	W. J. Hissem,	Fenton Sims,
L. J. Cox,	Berry Howard,	C. C. Spalding,
W. J. Cox,	F. W. Hutcheson,	J. R. Summers,
J. M. Dawson, Jr.,	Daniel James,	John M. Tinsley,
E. M. Dickson,	J. S. Joplin,	D. W. Tribble,
J. E. Durham,	R. M. Kincheloe,	N. S. Walton,
D. B. Edmiston,	Lewis Y. Leavell,	Geo. E. Willett,
McD. Ferguson,	C. W. Mathers,	John D. Woods—53.
George Will Follis,	Hiram McElroy,	

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Also H. B. 484. An act to amend an act, entitled "An act to regulate the liability of insurance companies in this State in certain cases," approved December 3, 1892.

Ordered, That said bill be read the third time.

Said bill was read a third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That so much of an act, entitled "An act to regulate the liability of insurance companies in this State in certain cases," approved December 3, 1892, as is in these words, to wit: "*Provided*, That the estimated value of the property insured may be diminished to the extent of any depreciation in the value of the property occurring between the dates of the policy and the loss: *And provided further*, That the insured shall be liable for any fraud he may practice in fixing the value of the property, if the company be misled thereby," be amended by inserting after the word "lost," and before the words, "*And provided further*," the following: "But no deduction shall be made from the amount stated in the face of the policy, by reason of any depreciation in the value of the property as above provided, unless written notice stating the amount proposed to be deducted shall first be given to the insured, and when the premium has been paid in advance the company shall return to the insured such proportion of said premium as shall have been paid for the sum so deducted from the face of the policy for the unexpired term; but no deduction shall be made in any case after the property has been destroyed, unless the notice was given prior to such destruction, and the proper proportion of the premium returned as herein above provided. Said act, when so amended, will read as follows: "That insurance companies that take fire or storm risks on real property in this Commonwealth shall, on all policies issued after this act takes effect (in case of total loss thereof by fire or storm), be liable for the full estimated value of the property insured, as the value thereof is fixed in the face of the policy; and in cases of partial loss of the property insured, the liability of the company shall not exceed the actual loss of the party insured: *Provided*, That the estimated value of the property insured may be diminished to the extent of any depreciation in the value of the property occurring between the dates of the policy and the loss; but no deduction shall be made from the amount stated in the face of the policy by reason of any depreciation in the value of the property as above provided, unless written notice, stating the amount proposed to be deducted, shall first be given to the insured; and when the premium has been paid in advance, the company shall return to the insured such proportion of said premium as shall have been paid for the sum so deducted from the face of the policy for the unexpired term; but no deduction shall be made in any case after the property has been destroyed, unless the notice was given prior to such destruction, and the proper proportion of the premium returned as herein above provided: *And provided further*, that the insured shall be liable for any fraud he may practice in fixing the value of the property, if the company be misled thereby.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will. Follis,	W. F. Neat,
Lewis Alexander, Sr.,	J. P. Gay,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	J. P. O'Meara,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
John T. Bashaw,	Thos. H. Hanks,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	D. H. Severs,
John Botts,	H. K. Hay,	Waller Sharp,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	B. B. Hensley,	Fenton Sims,
R. F. Comer,	W. J. Hissem,	C. C. Spalding,
L. J. Cox,	F. W. Hutcheson,	J. R. Summers,
W. J. Cox,	Daniel James,	John M. Tinsley,
J. M. Dawson, Jr.,	J. S. Joplin,	D. W. Tribble,
E. M. Dickson,	R. M. Kincheloe,	N. S. Walton,
J. E. Durham,	C. W. Mathers,	Geo. E. Willett
D. B. Edmiston,	Hiram McElroy,	John D. Woods—49.
McD. Ferguson,		

Those who voted in the negative, were—

A. J. Carroll, J. M. Frazee, I. M. Quigley—3.

Resolved, That the title thereof be as aforesaid.

Also the motion, heretofore entered by Mr. Hay, to reconsider the vote by which the House passed a bill, entitled

H. B. 241. An act to protect citizens of this Commonwealth from empiricism.

Said motion was disagreed to.

Also H. B. 486. An act to regulate the liability of insurance companies that take life or accident risks on live stock in this Commonwealth.

Mr. Bailey offered an amendment to said bill.

Ordered, That said bill be made the special order for Tuesday, the 4th inst., at 11 o'clock, A. M.

Also H. B. 478. An act to prevent and punish the adulteration and sale of baking powders.

Ordered, That said bill be recommitted to the Committee on Federal Relations.

And then the House adjourned.

MONDAY, APRIL 3, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	George Will. Follis,	Eli Nicholls,
Lewis Alexander, Sr.,	S. M. Gough,	Granville Philpot,
W. W. Ayres,	A. L. Harned,	J. F. Porter,
John T. Bashaw,	H. K. Hay,	E. M. Pryse,
B. T. Birkhead,	P. R. Hays,	D. H. Severs,
John Botts,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	Berry Howard,	C. C. Spalding,
B. E. Caudill,	F. W. Hutcheson,	J. R. Summers,
L. J. Cox,	Daniel James,	John M. Tinsley,
W. J. Cox,	J. S. Joplin,	N. S. Walton,
E. M. Dickson,	R. M. Kincheloe,	B. F. Willett,
J. E. Durham,	Lewis Y. Leavell,	Geo. E. Willett,
D. B. Edmiston,	C. W. Mathers,	John D. Woods—41.
McD. Ferguson,	Hiram McElroy	

The following members were absent, viz :

T. J. Arnett,	J. P. Gay,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	J. A. Perkins,
Posey D. Ball,	Geo. T. Halbert,	Thos. S. Pettit,
John Bartman,	Thos. H. Hanks,	A. T. Pullen,
R. F. Bass,	U. G. Harlow,	I. M. Quigley,
W. P. Beard,	R. K. Hart,	C. D. Reed,
B. F. Bennett,	B. B. Hensley,	R. E. Roberts,
P. S. Bruner,	W. W. Johnson,	John Ryan,
A. J. Carroll,	T. S. Kirk,	Waller Sharp,
A. H. Charlton,	Henry Kremer,	Fenton Sims,
F. P. Combest,	William Krieger,	W. W. Stephenson,
R. F. Comer,	John M. Letterle,	W. R. Stewart,
Wesley Crow,	H. P. Lively,	Samuel O. Tate,
J. S. Cullen,	W. H. May,	Lewis E. Thomas,
J. M. Dawson, Jr.,	John S. May,	J. R. Thomas,
James R. Dean,	M. D. McInerney,	D. W. Tribble,
John Finn,	Harvey Myers,	J. H. Welch,
J. M. Frazee,	W. F. Neat,	H. P. Whitaker,
Wm. Garrison,	J. P. O'Meara,	R. B. Wilson—59.
Ben. F. Gardner,	John Lee Payne,	

Mr. Spalding moved that the House adjourn.

Said motion was rejected.

The yeas and nays being required thereon by Messrs. Woods and Bashaw, were as follows, viz :

Those who voted in the affirmative, were—

John T. Bashaw,	E. M. Dickson,	Lewis Y. Leavell,
B. E. Caudill,	D. B. Edmiston,	D. H. Severs,
J. M. Dawson, Jr.,	Berry Howard,	C. C. Spalding—9.

Those who voted in the negative, were—

Mr. (Speaker Moore),	A. L. Harned,	Granville Philpot,
Lewis Alexander, Sr.,	H. K. Hay,	J. F. Porter,
W. W. Ayres,	P. R. Hays,	E. M. Pryse,
B. T. Birkhead,	W. J. Hissem,	S. H. Shouse,
John Botts,	F. W. Hutcheson,	Fenton Sims,
Polk Cansler,	Daniel James,	J. R. Summers,
L. J. Cox,	J. S. Joplin,	John M. Tinsley,
W. J. Cox,	R. M. Kincheloe,	N. S. Walton,
J. E. Durham,	Henry Kremer,	B. F. Willett,
McD. Ferguson,	C. W. Mathers,	Geo. E. Willett,
George Will. Follis,	Hiram McElroy,	John D. Woods—35.
S. M. Gough,	Eli Nicholls,	

Mr. McElroy moved a call of the House.

Said motion was adopted.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	George Will. Follis,	Eli Nicholls,
Lewis Alexander, Sr.,	S. M. Gough,	Granville Philpot,
W. W. Ayres,	A. L. Harned,	J. F. Porter,
John T. Bashaw,	H. K. Hay,	E. M. Pryse,
B. T. Birkhead,	P. R. Hays,	D. H. Severs,
John Botts,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	Berry Howard,	Fenton Sims,
B. E. Caudill,	F. W. Hutcheson,	C. C. Spalding,
L. J. Cox,	Daniel James,	J. R. Summers,
W. J. Cox,	J. S. Joplin,	John M. Tinsley,
J. M. Dawson, Jr.,	R. M. Kincheloe,	N. S. Walton,
E. M. Dickson,	Henry Kremer,	B. F. Willett,
J. E. Durham,	Lewis Y. Leavell,	Geo. E. Willett,
D. B. Edmiston,	C. W. Mathers,	John D. Woods—44.
McD. Ferguson,	Hiram McElroy,	

Mr. Woods moved to dispense with further proceedings under the call.

Said motion was adopted.

Mr. Severs moved that as there was not a quorum in the city, the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

TUESDAY, APRIL 4, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. (Speaker Moore),	George Will. Follis,	Eli Nicholls,
Lewis Alexander, Sr.,	S. M. Gough,	W. F. Peak,
W. W. Ayres,	Thos. H. Hanks,	Granville Philpot,
W. S. Bailey,	A. L. Harned,	J. F. Porter,
John T. Bashaw,	H. K. Hay,	E. M. Pryse,
W. P. Beard,	P. R. Hays,	C. D. Reed,
B. T. Birkhead,	B. B. Hensley,	D. H. Severs,
John Botts,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	Berry Howard,	C. C. Spalding,
B. E. Caudill,	F. W. Hutcheson,	J. R. Summers,
L. J. Cox,	Daniel James,	Lewis E. Thomas,
W. J. Cox,	J. S. Joplin,	John M. Tinsley,
J. M. Dawson, Jr.,	R. M. Kincheloe	N. S. Walton,
J. E. Durham,	Lewis Y. Leavell,	B. F. Willett,
D. B. Edmiston,	C. W. Mathers,	Geo. E. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—48.

The following members were absent, viz :

T. J. Arnett,	J. P. Gay,	John Lee Payne,
Posey D. Ball,	J. C. Glenn,	J. A. Perkins,
John Bartman,	Geo. T. Halbert,	Thos. S. Pettit,
R. F. Bass,	U. G. Harlow,	A. T. Pullen,
B. F. Bennett,	R. K. Hart,	I. M. Quigley,
P. S. Bruner,	W. W. Johnson,	R. E. Roberts,
A. J. Carroll,	T. S. Kirk,	John Ryan,
A. H. Charlton,	Henry Kremer,	Waller Sharp,
F. P. Combest,	William Krieger,	Fenton Sims,

R. F. Comer,	John M. Letterle,	W. W. Stephenson,
Wesley Crow,	H. P. Lively,	W. R. Stewart
J. S. Cullen,	W. H. May,	Samuel O. Tate,
James R. Dean,	John S. May,	J. R. Thomas,
E. M. Dickson,	M. D. McInerney,	D. W. Tribble,
John Finn,	Harvey Myers,	J. H. Welch,
J. M. Frazee,	W. F. Neat,	H. P. Whitaker,
Wm. Garrison,	J. P. O'Meara,	R. B. Wilson—52.
Ben. F. Gardner,		

There being no quorum present, Mr. Ferguson moved that the House do now adjourn.

Which was disagreed to.

The yeas and nays being required thereon by Messrs. Ferguson and Cansler, were as follows, viz :

In the affirmative—none.

Those who voted in the negative, were—

Mr. Speaker (Moore),	S. M. Gough,	W. F. Peak,
Lewis Alexander, Sr.,	Thos. H. Hanks,	Granville Philpot,
W. W. Ayres,	A. L. Harned,	J. F. Porter,
W. S. Bailey,	H. K. Hay,	E. M. Pryse,
John T. Bashaw,	P. R. Hays,	C. D. Reed,
W. P. Beard,	B. B. Hensley,	S. H. Shouse,
B. T. Birkhead,	W. J. Hissem,	Fenton Sims,
John Botts,	Berry Howard,	C. C. Spalding,
Polk Cansler,	F. W. Hutcheson,	J. R. Summers,
B. E. Caudill,	Daniel James,	Lewis E. Thomas,
L. J. Cox,	J. S. Joplin,	John M. Tinsley,
W. J. Cox,	R. M. Kincheloe,	N. S. Walton,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	B. F. Willett,
J. E. Durham,	C. W. Mathers,	Geo. E. Willett,
D. B. Edmiston,	Hiram McElroy,	R. B. Wilson,
McD. Ferguson,	Harvey Myers,	John D. Woods—50.
George Will. Follis,	Eli Nicholls,	

Mr. Cansler moved a call of the House, which was ordered.

The roll was called, and the following members were present, viz :

Mr. (Speaker Moore),	S. M. Gough,	W. F. Peak,
Lewis Alexander, Sr.,	Thos. H. Hanks,	Granville Philpot,
W. W. Ayres,	A. L. Harned,	J. F. Porter,
W. S. Bailey,	H. K. Hay,	E. M. Pryse,
John T. Bashaw,	P. R. Hays,	C. D. Reed,
W. P. Beard,	B. B. Hensley,	D. H. Severs,

B. T. Birkhead,	W. J. Hissem,	S. H. Shouse,
John Botts,	Berry Howard,	Fenton Sims,
Polk Cansler,	F. W. Hutcheson,	C. C. Spalding,
B. E. Caudill,	Daniel James,	J. R. Summers,
L. J. Cox,	J. S. Joplin,	Lewis E. Thomas,
W. J. Cox,	R. M. Kincheloe,	John M. Tinsley,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	N. S. Walton,
J. E. Durham,	C. W. Mathers,	B. F. Willett,
D. B. Edmiston,	Hiram McElroy,	Geo. E. Willett,
McD. Ferguson,	Harvey Myers,	R. B. Wilson,
George Will. Follis,	Eli Nicholls,	John D. Woods—51.

Mr. Walton moved that further proceedings under the call be dispensed with.

Which was agreed to.

The reading of the Journals of the proceedings of Saturday and yesterday was dispensed with, and said Journals approved.

New bills and joint resolutions were introduced as follows, viz:

By Mr. Myers—

H. B. 501. A bill to amend sections 28 and 37 of chapter 100 of the Acts of present General Assembly, approved October 10, 1892 ;

Referred to Committee on General Statutes.

By Mr. L. J. Cox—

H. B. 502. To authorize the county courts to maintain abandoned turnpike roads in this Commonwealth ;

Referred to Committee on Agriculture and Manufactures.

By Mr. Severs—

H. B. 503. To appropriate money to reimburse I. S. Middleton for money expended by him in contesting the election of A. L. Harned as a member of this body ;

Referred to Committee on Claims.

By Mr. Myers—

H. Resolution 97. Resolution authorizing the Secretary of State to furnish a set of reports, Statutes, digest and Codes to the United States Circuit Court of Appeals ;

Referred to Committee on Codes of Practice.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the Senate, of the following titles, viz :

S. B. 196. An act to protect game and small birds in this Commonwealth ;

S. B. 211. An act concerning the office of constable ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

A message was received from the Senate asking permission to withdraw from the House the announcement of the passage by the Senate of a bill, entitled

S. B. 231. An act concerning the State Normal School for colored persons.

Which was granted,

And said bill was reported to the Clerk's office by the Committee on Education, and delivered to the Senate.

Also that they had passed

S. B. 208. An act relating to executions.

Ordered, That said bill be referred to the Committee on General Statutes.

The House took from the orders of the day H. B. 240, entitled

A bill continuing the Kentucky State Dental Association, and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth,

Together with the amendments proposed thereto by the Senate.

Said amendments were concurred in, and the bill, as amended, passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	S. M. Gough,	W. F. Peak,
Lewis Alexander, Sr.,	Thos. H. Hanks,	Granville Philpot,

W. W. Ayres,	A. L. Harned,	J. F. Porter,
W. S. Bailey,	H. K. Hay,	E. M. Pryse,
John T. Bashaw,	P. R. Hays,	C. D. Reed,
W. P. Beard,	B. B. Hensley,	D. H. Severs,
B. T. Birkhead,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	Fenton Sims,
B. E. Caudill,	Daniel James,	C. C. Spalding,
L. J. Cox,	J. S. Joplin,	J. R. Summers,
W. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Henry Kremer,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	C. W. Mathers,	B. F. Willett,
McD. Ferguson,	Hiram McElroy,	Geo. E. Willett,
George Will. Follis,	Eli Nicholls,	John D. Woods—49.
J. M. Frazee,		

Those who voted in the negative, were—

W. H. May,	Thos. S. Pettit,	I. M. Quigley—4.
J. P. O'Meara,		

The House took from the orders of the day H. B. 483, entitled

A bill to establish a department of banking in this Commonwealth, and providing for the appointment of a Commissioner therefor and certain assistants, and prescribing their duties and manner of their compensation.

Said bill reads as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. There is established a department, which shall have charge of the execution of the laws relating to banks, individual bankers and trust companies now existing, or that may hereafter be created or organized under the laws of this State.

§ 2. The chief officer of this department shall be denominated the Commissioner of the Banking Department. He shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for a term of four years, unless sooner removed. He shall keep his office, which shall be provided and furnished by the State, at the seat of government. He shall appoint, with the consent of the Governor, a clerk, who shall be deputy commissioner, to enable him to discharge the duties of his office, and may remove him at pleasure; and he shall possess the power and perform the duties attached by law to the office of the Commissioner during a vacancy in such office and during the absence or inability of the Commissioner; and may also, when necessary, appoint, with the approval of the Governor, some competent person or persons as Examiner,

and allow such person or persons reasonable compensation, not exceeding ten dollars per day, when engaged in examining any bank or corporation, and traveling expenses; but no Examiner shall be appointed if the Commissioner or his deputy can discharge that duty. He shall devise a seal for the use of the department, and a description of the seal, with an impression thereof, shall be filed in the office of the Secretary of State.

§ 3. The salary of the Commissioner shall be three thousand six hundred dollars per year, and the salary of his clerk eighteen hundred dollars per year, and, in addition thereto, the actual traveling expenses of each shall be paid when engaged upon business connected with the department.

§ 4. All of the salaries and expenses of the department, except office rent and furniture, shall be paid by the banks, individual bankers and trust companies, under the supervision of this department, and the Commissioner, Clerk and any Examiner appointed shall keep an itemized account of his expenses while traveling on business for the department, and file the same each month with the Auditor; and the salaries and expenses shall be paid monthly upon the voucher of the Commissioner in the same manner as the salary of the Governor.

§ 5. Each institution under the supervision of this department shall, annually, on the first day of July, pay in proportion to its capital stock, deposits and surplus ascertained by its last preceding report, a just and fair proportion of the expenses of the department except the fee for examination, the amount due from each institution to be fixed by the Commissioner; but no greater amount shall, in the aggregate, be annually collected or paid than is necessary to reasonably defray the expenses of the department as herein provided. The amount assessed against each institution shall be paid by it at the time designated to the Commissioner, who shall keep a correct account of the amount so paid, and when and by whom, and cover the same, together with all other fees or penalties received or collected, into the Treasury when collected.

§ 6. The Commissioner and his deputy, and any Examiner appointed, shall, before entering upon the duties of office, take an oath to faithfully discharge the duties of the office, and shall each execute a bond, with good sureties, to be approved by and filed with the Auditor, and worth in the aggregate at least twenty-five thousand dollars, for the faithful discharge of their duties; and the Commissioner, his deputy, or any Examiner, shall not be interested, directly or indirectly, in any national bank, or bank or corporation under the supervision of this department, nor shall either examine any institution to which he is indebted.

§ 7. Every bank and corporation mentioned in section one shall be subject to the inspection and supervision of the Commissioner, and he or his deputy, or any Examiner he may appoint for that purpose, shall, once in each year, and also when

requested by the directors or the owners of one-fifth of the capital stock, examine the cash, bills, notes, securities, books, condition and affairs of each bank and corporation under the supervision of this department; and for this purpose may examine, under oath, any officer, stockholder, employe or depositor of any bank or corporation touching its business and condition; and the Commissioner, clerk, and any examiner appointed, shall keep secret all information obtained by them or the department, except such as the public duties of said officers require them to report or take official action upon.

§ 8. For such annual examination, the bank or corporation examined shall pay to the Commissioner ten dollars for each day required in the actual examination; and when an examination is made by request, the expenses of such examination shall be paid by such bank or corporation. If the amount assessed or the examination fee is not paid within ten days after notice that it is due, the Commissioner shall, in the name of the Commonwealth, institute an action in any court of Franklin county having jurisdiction, against the bank or corporation in default for the amount due; and it shall be the duty of the Attorney-General to represent the Commonwealth. Neither the Commissioner, nor any employe of the department, shall take or receive, directly or indirectly, from any person, bank or corporation, any compensation for services rendered under this law other than the compensation allowed by law.

§ 9. Whenever any officer of any bank or corporation shall refuse to submit the books, papers and accounts of the bank or corporation in his custody or under his control to the inspection of the Examiner, or shall refuse to be examined under oath touching the business and concerns of the bank or corporation, each officer so refusing or failing shall, for each offense, be fined not less than five hundred nor more than one thousand dollars, and the Commissioner, with the consent of the Attorney-General, may institute proceedings for the appointment of a receiver for such bank or corporation to wind up its business. Whenever it shall appear, from the report of any bank, or the Commissioner shall have reason to believe, that the capital of any bank is impaired or reduced below the amount required by law, or that its reserve fund is less than required by law, or that it has violated any of the laws relating to banks, it shall be the duty of the Commissioner to examine such bank, and in case he finds such impairment or reduction or deficiency in reserve funds, to require said bank to make good the deficiency or impairment so appearing; and if any bank shall fail or refuse, for thirty days after written notice from the Commissioner, to make good the deficiency or impairment, it shall be the duty of the Commissioner, with the consent of the Attorney-General, to institute proceedings for the appointment of a receiver to wind up its business.

§ 10. The Commissioner shall prepare for each character of

business, under the supervision of this department, blank forms, which shall be the same for each class, and which shall be so arranged as to furnish, when filled up, a complete exhibit of the business, condition and affairs of the bank or corporation reporting, and blanks shall be sent to each bank and corporation to enable it to make reports in duplicate, one of which shall be retained by the bank or corporation. He shall, every three months, designate one past day in such three months in which each bank and corporation shall make out its report at the close of business on the day named, and notify each institution of the day fixed; and if any bank or corporation shall neglect or fail, for longer than five days after receiving it, to return to the Commissioner, verified and signed as required by the law, the report, it shall be the duty of the Commissioner to at once cause the books, papers, business and affairs of the bank or corporation so in default to be examined as directed in this article, and the reasonable expense of such examination shall be paid by the bank or corporation to the Commissioner; and upon failure to so pay, the amount due shall be collected by action brought by the Commissioner in the name of the Commonwealth in any court of Franklin county having jurisdiction, and it shall be the duty of the Attorney-General to represent the Commonwealth.

§ 11. On the first day of December in each year the Commissioner shall make an annual report to the Governor, which shall exhibit a summary of the state and condition of every bank and corporation from which reports have been received during the year, with an abstract of the total amount of capital and surplus returned by them; the whole amount of their debts and liabilities; the total amount of their means and resources, specifying the amount of money held by each at the time of their last report, and such other information in relation to banks and corporations as in his judgment may be useful. A statement of the banks and corporations whose business has been closed during the year, the amount of their resources and liabilities, and the amount paid to the creditors, giving the names and compensation of the clerk or examiners employed by the department, and the whole amount of the expenses of the department; the amount of fees charged to and collected from, and the amount of fines imposed and collected from each bank and corporation. Not more than five hundred copies of said report shall be published, and one hundred and fifty copies thereof shall be laid before the Legislature, and one copy sent to each institution reporting.

§ 12. On becoming satisfied that any bank or corporation has become insolvent, or that its capital has become, and is permitted to remain, impaired, or that it has violated, after notice to cease such violation, any of the provisions of the law under which it was organized, the Commissioner may, with the approval of the Attorney-General, apply to the circuit court, or

judge thereof in vacation, of the county in which the bank or corporation is located, for the appointment of a receiver, who, under the direction of the court, shall take possession of the books, papers and assets of every description and business of the bank or corporation, and collect all collectible debts and demands, and sell or compound under the order of court all bad debts, and sell all the real and personal property of the bank or corporation on such terms as the court may direct. The receiver shall be a resident of the county in which the action is pending, and give bond, with good security, to be approved by the court.

§ 13. The Commissioner shall, upon the appointment of a receiver, cause notice to be published for four weeks in some newspaper published in the county where the action is pending, calling upon all persons having claims to present them, verified, to the receiver by a time named, and shall, from time to time, under the direction of the Commissioner and court, out of the money collected by him, pay dividends on claims that have been allowed, and, after the payment of all costs and expenses of the proceeding, and after all claims have been paid in full, the remainder, if any, shall be paid to the stockholders in proportion to their stock.

§ 14. In order that the public may keep informed of the financial condition of banks and other financial institutions enumerated in section one hereof, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the Governor.

Sections 1, 2 and 3 were adopted.

Mr. Tinsley offered an amendment to section 4 of said bill as follows, viz:

Amend section 4 by striking out of line one the word "except," and by striking out of line two and three the words "banks, individual bankers and trust companies," and insert in lieu of the last named words the word "State."

Which was agreed to.

Mr. Pettit offered the following amendment to said bill, viz:

Add, as an additional section to H. B. 483, the following, viz:

"The Commissioner shall give bond in the sum of one million dollars to secure the depositors and others doing business with said banking institutions to reimburse for any losses that may be incurred by reason of said Commissioner failing to notify said depositors and others of any dereliction on the part of any of the bank officials to discharge their duties, and for the proper management of the affairs of the said banking institution."

Mr. Bailey moved that the further consideration of said bill be postponed, and that same be placed in the orders of the day.

Which was agreed to.

The House took from the orders of the day H. B. 391, entitled
A bill relating to the taxation of corporations for the purposes
of graded schools in this Commonwealth.

Mr. Quigley, who introduced said bill, by unanimous consent
of the House withdrew said bill.

Also, S. B. 148. An act for the benefit of the lunatic asylums
of this Commonwealth.

Ordered, That said bill be recommitted to the Committee on
Charitable Institutions.

Also, H. B. 371. A bill to fix the salaries of the judges of the
circuit courts, and the pay of special judges of said courts in
this Commonwealth.

Said bill reads as follows, viz :

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky*: § 1. That the judges of the circuit courts in this
Commonwealth shall, from the commencement of their time of
office, each receive an annual salary during their term of office
of two thousand four hundred dollars, payable monthly out of
the State Treasury.

§ 2. That special judges of circuit courts shall each receive
seven dollars per day for each day they may serve, to be paid
out of the Treasury and deducted from the salary of the regular
judge of the circuit in which the services are rendered, provided
that the pay of the special judge shall not be deducted from
the salary of the regular judge in cases when he can not prop-
erly preside, or when he is prevented from presiding by sickness
or other casualty.

§ 3. It shall be the duty of the clerk of the circuit court of
the county in which any special judge may serve, immediately
after the term, to certify to the Auditor the number of days
such special judge shall have served, which certificate shall be a
voucher and authority to the Auditor to pay the same.

§ 4 By reason of the terms of the circuit courts in all the
judicial districts of this State commencing the first of January,
1893, therefore an emergency exists, and this act shall take
effect and be in force from and after its approval by the Gov-
ernor.

Mr. Peak moved to amend said bill by striking out section 4.
Which was agreed to.

Mr. Birkhead moved to amend said bill by striking out of line
eight of section two the words "or other casualty."

Which was agreed to.

Ordered, That said bill be read a third time.

Said bill was read a third time and placed upon its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will. Follis,	J. F. Porter,
Lewis Alexander, Sr.,	Thos. H. Hanks,	E. M. Pryse,
W. W. Ayres,	P. R. Hays,	C. D. Reed,
W. P. Beard,	F. W. Hutcheson,	S. H. Shouse,
B. T. Birkhead,	J. S. Joplin,	Fenton Sims,
John Botts,	R. M. Kincheloe,	C. C. Spalding,
Polk Cansler,	C. W. Mathers,	J. R. Summers,
L. J. Cox,	Hiram McElroy,	N. S. Walton,
W. J. Cox,	Eli Nicholls,	Geo. E. Willett,
J. E. Durham,	W. F. Peak,	John D. Woods—32.
McD. Ferguson,	Thos. S. Pettit,	

Those who voted in the negative, were—

W. S. Bailey,	H. K. Hay,	Harvey Myers,
John T. Bashaw,	B. B. Hensley,	J. P. O'Meara,
B. E. Caudill,	W. J. Hissem,	R. E. Roberts,
D. B. Edmiston,	Berry Howard,	D. H. Severs,
J. M. Frazee,	Daniel James,	John M. Tinsley,
S. M. Gough,	Henry Kremer,	R. B. Wilson—20.
A. L. Harned,	Lewis Y. Leavell,	

And so said bill was disagreed to.

Mr. Severs entered a motion to reconsider the vote by which the House failed to pass said bill.

Also, H. B. 492. A bill to repeal an act, entitled "An act to amend the charter of the Covington and DeCoursey Creek Turnpike Road Company," approved February 28, 1865.

Said bill was read the second time.

Also, H. B. 388. A bill relating to roads and passways.

Mr. Follis offered a substitute for said bill.

Mr. Woods moved that said bill and amendments be made the special order for Tuesday, the 18th inst.

Which was agreed to.

Also, S. B. 82. An act relating to voluntary assignments for the benefit of creditors.

The Chair ruled that the motion heretofore entered to reconsider the vote by which the House refused to order said bill to its second reading was out of order.

Ordered, That said bill be delivered to the Senate.

Also, S. B. 75. An act relating to claims upon the Treasury.
Ordered, That said bill be recommitted to the Committee on General Statutes.

Also, S. B. 213. An act relating to evidence.

Mr. Pettit moved that the House insist upon its amendments heretofore proposed thereto.

Which was agreed to.

Mr. O'Meara moved that the Chair appoint a committee of three to act as Committee of Conference on the part of the House, and that the Senate be requested to appoint similar committee to act with said House committee, to take into consideration the matters of difference between the two Houses concerning said bill.

Which was agreed to.

The Chair appointed as said committee on the part of the House Messrs. Myers, Sims and O'Meara.

The House took from the orders of the day S. B. 217, entitled
An act for the government of towns of the sixth class.

Said bill reads as follows, viz :

ARTICLE I. GENERAL POWERS.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. All towns of the sixth class are hereby continued corporate by the respective names they now have, with power to contract and be contracted with, to sue and be sued, to defend and be defended in all courts ; to acquire property for municipal and for cemetery purposes by purchase or otherwise ; to hold the same and all property and effects now belonging to them, either in their own name or in the names of others, to the use of the town, for the purposes and intents for which the same were granted or dedicated ; to use, manage, improve, sell and convey, rent or lease the said property, and have the like powers over property hereafter acquired ; to have a common seal, and change it at pleasure, and act with or without a seal.

ARTICLE II. HOW TRANSFERRED TO ANOTHER CLASS.

§ 2. When the population of any city or town, as ascertained by the last Federal census or by a census taken pursuant to an ordinance of said town, authorizes it to be placed in a class other than that in which it is, the authorities of such town may

enact an ordinance setting forth the population of the town, and how ascertained, the class it is then in, and the class which it is entitled to be in, and may file a petition in the circuit court clerk's office of the county, declaring the facts with reference to its population and the class it desires to become a member of, and such other facts as may be thought proper, and shall file with such petition a copy of the ordinance, and shall cause notice of the filing of such petition and the object thereof to be published in at least six issues of a daily or two issues of a weekly paper, of general circulation, published in the town or in the county; if none be published in the town, or if no paper be published in the town or county, by notices posted up for at least ten days at four public places in said town.

§ 3. On the second day of the next regular term of court, the court shall, if the proper notice has been given or publication made, and no defense is interposed, enter a judgment, assigning such town to the class to which it belongs, as appears from the petition and exhibits, and thereafter such town shall be governed by and under the general laws relating to the class to which it has been assigned; but the transfer from one class to another shall not in anywise impair or affect any ordinance or by-law theretofore enacted by such town, unless the same is in conflict with the general laws relating to towns of the class to which it has been assigned, and to such extent only shall any ordinance or by-law be repealed by the transfer, nor shall the powers, rights, duties or obligations of the town, or any officer or employe thereof, or any debtor or creditor of the town, be in anywise affected by the transfer. Defense may be made to the petition by any inhabitant of the town or city, and if defense is made, the court shall hear and determine the same, and render a judgment transferring or refusing to transfer the town to another class, as may seem proper. The pleadings and practice shall be the same as in equity cases, except as herein provided; but if the court shall be satisfied that the population of the town entitles it to be transferred to another class it shall so adjudge, if the proper notice or publication has been made; and no appeal shall lie from the judgment.

ARTICLE III. BOUNDARIES.

§ 4. The boundaries of the several towns of this class shall, until changed, as herein provided, remain as now established by law.

§ 5. Whenever it is deemed desirable to annex any territory to a town, or to reduce the boundaries thereof, the legislative department thereof may enact an ordinance defining accurately the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least ten issues of the daily paper published in, and having the largest circulation in, the town, or if there be no daily paper published

in the town, then in at least four issues of a weekly paper published in, and having the largest circulation in, the town; or if there be no daily or weekly paper published in the town, then by posting copies of the ordinance for at least ten days in four of the most public places in the town. In not less than thirty days after the enactment of such ordinance, if the publication or notice, as herein provided, has been made or given, and no petition is filed in the circuit court, as provided in the next section, the legislative department may, by ordinance, annex to the town the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordinance, such territory shall become a part of such town, or shall be stricken therefrom.

§ 6. Within thirty days after the enactment of an ordinance proposing to annex territory to any town, or to reduce the limits thereof, one or more residents or freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, setting forth the reasons why such territory or any part thereof should not be annexed, or why the limits should not be reduced. Summons shall issue thereon and be executed upon the mayor or chief executive officer of the town as in other cases, and the answer of the town shall be filed within twenty days after the service of summons. The case shall be tried according to the rules and practice prescribed for the trial of equity causes, but without the intervention of a jury. If the court be satisfied, upon the hearing, that less than seventy-five per cent. of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory to the town will be for its interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, it shall so find, and said annexation or reduction shall be approved. Either party may appeal to the Court of Appeals. If the court shall be satisfied that seventy-five per cent. or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, then such annexation or reduction shall not take place, unless the court shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such town and of the owners and inhabitants of the territory sought to be annexed or stricken off. In case the court shall so find, the annexation or reduction shall take place, notwithstanding the remonstrance. There shall be no appeal from the judgment of the court, and there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court be adverse to the annexation or reduction, no further effort to annex or strike off such territory shall be made within two years after the rendition of such judgment.

§ 7. The judgment shall, when entered, be certified to the legislative board of the city, who may thereupon annex to or strike

from the city or town the territory described in the judgment, and such territory shall become, or cease to become, as the case may be, a part of the town, but the persons owning the territory so annexed; nor shall the territory be liable for any indebtedness of said town created prior to said annexation, nor shall said town assess or collect taxes on said property in said territory to pay any part of said indebtedness or liability.

§ 8. If any incorporated town be annexed to another, the town so annexing the territory of another shall be bound for all debts and liabilities, and shall be the owner of all the corporate property, franchises and rights of such municipal corporation.

ARTICLE IV. CONDEMNATION OF PROPERTY BY.

§ 9. Whenever property is needed for municipal purposes, and an ordinance is enacted so declaring, the proper authorities of the city or town may, if compensation therefor can not be agreed upon, proceed to condemn the same in the manner provided for the condemnation of land for railroad purposes.

ARTICLE V. ELECTIONS.

§ 10. In all municipal elections the qualifications of voters, except when otherwise provided in this chapter, shall be the same as in State elections; and all elections and registration for same, when registration is required by the Constitution and laws made in pursuance thereof, shall be held under and as provided in the general election and registration laws of the State, except as provided in the succeeding section; and any violations of said laws at a municipal election shall be punished in the manner provided in cases of violations of the law when a State or county election is held.

§ 11. In towns where registration is not required the ballots shall be deposited in a separate box. The ballots and boxes, in cases where separate boxes are required, shall be provided for, and all the expenses of a municipal election shall be paid by the municipality, and contested elections in all towns for municipal officers shall be decided as may be provided by ordinance.

§ 12. No person shall be eligible to hold any office in such town, whether filled by election or appointment, unless he is a resident and elector therein, and shall have resided in said town for one year next preceding the date of such election or appointment.

ARTICLE VI. REVENUE AND TAXATION.

§ 13. All real and personal estate within the city, and all personal estate of persons domiciled or actually residing in the city on the fifteenth day of September in the year in which the

assessment shall be made, and of all corporations having their chief office or place of business in the town on said date, and the franchises of same, shall be subject to assessment and taxation for all local and municipal purposes, unless exempt from taxation by the Constitution, and the same shall be assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale. Any franchise granted in whole or in part by a town, and exercised within said town, may be taxed by said town, notwithstanding the corporation owning or exercising same may have its chief office or place of business elsewhere. And any corporation or company doing business in a town whether its franchise was granted by such town or not, may be required to pay a license tax.

§ 14. The town shall have a lien, for five years from the date of assessment on the property assessed, and on all other property of each person or corporation, for all taxes due by them respectively to the city, which shall not be defeated by gift, devise, sale, alienation or any means whatever, and nothing shall be exempt from levy and sale for taxes.

§ 15. For the purpose of taxation real estate shall include land and the improvements thereon, and personal estate shall include every other species and character of property, that which is tangible and that which is intangible.

ARTICLE VII. PROVISIONS RELATING TO OFFICERS.

§ 16. The government of each town shall be vested in a board of trustees, to consist of five members; a police judge, a treasurer, a clerk, a marshal, and such subordinate officers as are hereinafter provided for.

§ 17. The members of the board of trustees, police judge and marshal shall be elected by the qualified voters of each town, the first election to be held therein on the Tuesday after the first Monday in November in 1893; and thereafter as the terms of the respective officers expire, and at general election for county or State officers held in November preceding the expiration of their terms; the police judge and marshal shall hold office four years, and the members of the board of trustees two years, from the first Monday in January following their election: *Provided*, That the terms of police judges elected at the November election, 1893, to succeed police judges who were elected four years at the August election, 1890, shall begin on the first day of September, 1894, and continue until the November election, 1897, and until their successors are elected and qualified. The treasurer and clerk shall be appointed by the board of trustees, and hold office for two years, but may be removed at the pleasure of the board of trustees. The board of trustees may appoint a pound-master, a superintendent of streets, a town engineer, a chief of fire department, town weigher and town physician, each

of whom shall hold office for two years, but may be removed at the pleasure of the board of trustees.

§ 18. The clerk and treasurer shall, respectively, before entering upon the duties of their respective offices, execute a bond to such town in such penal sum as the board of trustees, by ordinance, may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made, by this chapter, *ex officio* incumbent. Such bonds shall be approved by the board of trustees. All bonds, when approved, shall be filed with the clerk, except the bond of the clerk, which shall be filed with the chairman of the board of trustees. The provisions of any law of this State relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every officer of such town, before entering upon the duties of his office, shall take the constitutional oath of office. The marshal, before he enters upon the duties of his office, shall execute a bond, with approved surety, to such town in the sum of \$1,000, conditioned for the faithful performance of his duties; and for any unlawful arrest, or unnecessary or cruel beating or assault on any person in making an arrest, he and his sureties shall be liable to the persons so injured on said bond.

§ 19. The police judge, before he enters upon the duties of his office, shall execute a bond to the Commonwealth, with good sureties, to be approved by the county judge, to the effect that he will faithfully discharge the duties of his office. The bond shall be filed and recorded in the county clerk's office, and an entry made upon the order-book of the county court, showing that the bond was executed and approved, and giving the names of the sureties therein. The county judge may, at any time, when he may have reason to believe that said bond is not good, or that the sureties therein are about to become insolvent, require the execution of a new bond or additional sureties on the old one.

§ 20. When a vacancy occurs in any of the elective offices provided for in this chapter the board of trustees shall fill such vacancy by appointment for the time fixed in the Constitution, and if a vacancy occurs in an appointive office the board of trustees shall appoint a successor for the balance of the unexpired term.

§ 21. The clerk, treasurer, assessor, marshal and town attorney may severally receive, at stated times, a compensation, to be fixed by ordinance by the board of trustees, which compensation shall not be increased or diminished after their election or during their several terms of office.

ARTICLE VIII. LEGISLATIVE DEPARTMENT.

§ 22. The board of trustees shall meet on the first Monday in January next succeeding each general municipal election, shall

take the oath of office and elect one of their number chairman, and shall hold regular meetings once in each month, at such time as they shall fix by ordinance. Special meetings may be called at any time by the chairman, or by three members, by written notice delivered at least three hours before the time specified for the proposed meeting. All meetings shall be held within the corporate limits of the town at such place as may be designated by ordinance, and shall be public.

§ 23. At any meeting of the board of trustees a majority of the members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members under such penalties as may be prescribed by ordinance. The chairman shall preside at all meetings of the board, and may vote as other members, and, in case of his absence, the board may appoint a chairman *pro tem.*, and, in case of the absence of the clerk, the chairman, or chairman *pro tem.*, shall appoint one of the members of the board clerk *pro tem.*

§ 24. The board of trustees-elect shall judge of the qualification and election of its members. They may establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and, at the desire of any member, shall cause the ayes and noes to be taken on any question and entered on the journal.

§ 25. No ordinance or resolution granting any franchise shall be passed by the board of trustees within five days after its introduction, nor at any other than a regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting. No ordinance incurring a liability, or requiring an appropriation of exceeding fifty dollars for any one object or purpose, shall be valid, unless the same be voted for (and the yeas and nays be so entered upon the journal) by four members of the board.

ARTICLE IX. POWERS OF BOARD OF TRUSTEES.

§ 26. The board of trustees of such town shall have power:

1. To pass ordinances not in conflict with the Constitution or laws of this Commonwealth or of the United States, and to impose and collect license fees and taxes on stock used for breeding purposes, and all franchises, trades, occupations and professions.

2. To impose and collect from every male inhabitant over the age of twenty-one years an annual poll-tax, not exceeding one dollar and a half.

3. To levy and collect annually a property tax, not exceeding fifty cents on the one hundred dollars valuation.

4. The license tax to sell spirituous, vinous or malt liquors shall not be less than one hundred nor more than five hundred

dollars ; and no such license shall be issued or granted in any town where the sale of such liquors are now forbidden by law until such law be changed ; may impose penalties for violations of the conditions of said license ; may provide for the annulment or suspension of the license privileges for violation of the conditions of terms of license, or of the ordinances governing the same ; and no license for any business or to any person shall be granted for a longer time than one year ; and the granting of licenses shall be under the exclusive control of the board of trustees, who may refuse to grant license in its discretion : *Provided*, That in any town of the sixth class in which the question as to whether spirituous, vinous and malt liquors might or should be sold has been since September 1, 1892, or shall hereafter be submitted to the voters thereof, and the majority of votes cast thereat were or shall be in favor of the sale of such liquors therein, then the board of trustees of such town shall have no right, power, privilege or discretion to refuse to grant licenses to sell such liquors therein until another election is held therein as provided by general laws, and a majority of the voters of said town have voted against the sale of such liquors.

5. To impose fines, imprisonment, penalties and forfeitures for violations of ordinances. But no such fine or penalty shall exceed one hundred dollars, nor the term of imprisonment exceed fifty days.

6. To cause persons imprisoned under final judgment in police courts, or in default of payment of fine and costs, or either, imposed by said court, to labor in work-house, on streets or other public works, on property within the town, until the imprisonment is satisfied or the fine and cost paid, and to fix the amount of such fine and costs that shall be paid by each day's labor.

7. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such town all other local, police, sanitary and other regulations as do not conflict with general laws.

8. The board of trustees shall have the power, by a vote of four-fifths thereof, to take, use and occupy, for public buildings, real estate dedicated for a street, or any part thereof, provided same shall not be taken and used for such public buildings until said trustees shall have first obtained the written consent of the owners of the lands fronting and abutting upon said dedicated street ; and also the written consent of the owners of lands fronting and abutting upon said dedicated street, within one square of that portion so taken. Said written consent shall be acknowledged and recorded in the same manner that deeds to real estate are required to be acknowledged and recorded.

9. Where the town owns a cemetery, it shall be under the control and management of the board of trustees ; they shall fix the price at which the lots shall be sold, and make deeds thereto ; a receipt from the treasurer of the town shall be evidence of title.

§ 27. The enacting clause of all ordinances shall be as follows: "The board of trustees of the town of _____ do ordain as follows." Every ordinance shall be signed by the chairman, attested by the clerk, and published at least once in a newspaper published in such town; or written or printed and posted in at least three public places therein, and shall be in force from and after the publication thereof.

§ 28. All demands against the town shall be presented to and audited by the board of trustees, in accordance with such regulations as they may, by ordinance, prescribe; and upon the allowance of any such demand the clerk shall draw a warrant upon the treasurer for the same, which warrant shall be countersigned by the chairman, and shall specify for what purpose the same is drawn, and out of what fund it shall be paid.

§ 29. If at any time the board of trustees shall deem it necessary to incur any indebtedness, the payment of which can not be met by the levy authorized by law, they shall give notice of an election, by the qualified electors of the town, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of the indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as herein provided. Such notice shall be published for at least two weeks in some newspaper published in, or of general circulation in, such town, or by posting written or printed notices at three or more public places in such town. If, upon a canvass of the votes cast at such election, it appears that two-thirds of all the qualified electors in such town shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of trustees to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same. And in such ordinances provision shall be made for the levy and collection of an annual tax upon all real and personal property subject to taxation within such town, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the board of trustees in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

§ 30. The violation of any ordinance of such town shall be deemed a misdemeanor, and may be prosecuted by the authorities of such town, in the name of the Commonwealth of Kentucky, for the use and benefit of such town, or may be redressed by civil action at the option of said authorities. Any person

sentenced to imprisonment for the violation of an ordinance may be imprisoned in the town jail, or if the board of trustees, by ordinance, shall so prescribe, in the county jail of the county in which such town may be situated, in which case the expense of such imprisonment shall be paid by said town.

§ 31. The board of trustees are empowered to order any work they deem necessary to be done upon the sidewalks, curbing, streets, avenues, highways, sewers and public places of the town. The cost and expense incurred in constructing or repairing streets, avenues, highways, sewers and public places shall be paid out of the general fund of the town. The expense incurred in making and repairing sidewalks and curbing shall be paid by the owners of lands fronting and abutting thereon, each lot or portion of a lot being separately assessed for the full value thereof, in proportion of the frontage thereof to the entire length of the whole improvement, not exceeding a square, sufficient to cover the total expense of the work. Whenever the expense of work shall have been assessed on any property, as herein provided, the amount of said expense shall become a lien upon said property, which shall take precedence of all other liens, and which may be enforced by the contractor or the town in accordance with the provisions of the Code of Practice.

§ 32. The board of trustees shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy and collection of all town taxes, not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State in reference to the assessment, levy and collection of State and county taxes. All taxes assessed, together with any percentage imposed for delinquency, and the cost for collection, shall constitute liens on the property assessed, from and after the fifteenth day of September in each year, which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance or in the manner provided for the collection of State taxes, or by action in any court of competent jurisdiction to foreclose such liens: *Provided*, That any property sold for such taxes shall be subject to redemption within the time and in the manner provided by law for the redemption of property sold for State or county taxes. All deeds made upon any sale of property for taxes, or special assessments under the provisions of this chapter, shall have the same force and effect as is or may hereafter be provided by law for deeds for property sold for non-payment of State or county taxes.

§ 33. The board of trustees shall appoint three discreet freeholders, who shall meet on the first Monday of December of each year, at 10 o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue from day to day until all the returns of the assessor have been rectified. They

shall have power to hear complaints, and to correct, modify or strike out any assessments made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. They shall receive not to exceed two dollars per day for their services while so engaged, and shall not remain in session exceeding three days. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the town clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which said tax is to be levied in said year.

§ 34. Nothing contained in this chapter shall be construed to prevent any town having an indebtedness, contracted under laws existing at the date of the adoption of the present Constitution of Kentucky, from levying and collecting such taxes for the payment of such indebtedness and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected. Such board of trustees shall have the right to bond any indebtedness now existing for a period not exceeding five years. All moneys received from licenses, poll-tax, and from fines, penalties and forfeitures imposed for violations of town ordinances or by-laws, shall be paid into the general fund.

§ 35. In the erection, improvement and repair of all public buildings and works, in all streets and sewer work, and in all work in and about streams, bays or water fronts, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance.

§ 36. The chairman shall preside over all meetings of the board of trustees at which he is present. In his absence, a chairman *pro tem.* may be chosen. The chairman or chairman *pro tem.* shall sign all warrants on the town treasurer, and shall sign all written contracts entered into by said town as such chairman or chairman *pro tem.* The authority and power of the chairman *pro tem.* shall continue only during the day on which he is chosen. The chairman shall have power to administer oaths and affirmations, and take affidavits, and certify the same under his hand. The chairman or chairman *pro tem.* shall sign all conveyances made by said town, and all instruments which shall require the seal of the town, and is authorized to acknowledge the execution of all instruments executed by said town, and required to be acknowledged.

ARTICLE X. EXECUTIVE DEPARTMENT:

§ 37. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as town treasurer.

urer, for all of which he shall give duplicate receipts, one of which shall be filed with the town clerk. He shall pay out said moneys on warrants signed by the clerk and countersigned by the chairman of the board of trustees, and not otherwise. He shall make annual settlements with the town clerk, or with some person appointed by the board for that purpose.

§ 38. All property subject to taxation shall be assessed as of the fifteenth day of September of each year, and it shall be the duty of the assessor, between the fifteenth day of September and the fifteenth day of November in each year, to make out a true list of all the taxable property within the town. The mode of making out said list, and the proceedings relating thereto, shall be in conformity with the laws now in force regulating county assessors, except as the same may be otherwise provided in this chapter or by ordinance. The assessor shall verify said list by his oath, and shall deposit the same with the town clerk on or before the first Monday in December in each year. The assessor shall, during such time, also make a list of all persons residing within the town, and shall verify said list by his oath, and shall, on or before the first Monday in December in each year, deposit the same with the town clerk. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duties.

§ 39. It shall be the duty of the town clerk to keep a full, true record of all the proceedings of the board of trustees, and such other records as he may be directed by the board to keep, and to perform such duties as may be required.

§ 40. It shall be the duty of the town attorney to advise the town authorities and officers in all legal matters pertaining to the business of said town. He shall prosecute all violations of ordinances of the town, and discharge such other duties as may be required by the board.

§ 41. The police of the town shall be under the direction and control of the town marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now, or may hereafter be, conferred upon sheriffs by the laws of the State, and shall, in all respects, be entitled to the same protection; and, his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said town; and every citizen shall also lend him aid when required for the arrest of offenders, and maintenance of public order. He is authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute, before the police court, all breaches or violations of or non-compliance with any town ordinance which shall come to his knowledge. He shall collect all taxes placed in his hands by the board of trustees for collection. He shall, on the first Monday in each month, pay to the town treasurer all taxes and other funds of said

town collected by him during the preceding month. He shall, upon payment of the money, file with the treasurer an affidavit stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon receipt of any tax-list, give his receipt for the same to the town clerk, and shall, upon depositing with the town clerk the delinquent tax-list, take his receipt therefor. He shall have charge of the town prisoners, and of any chain-gang which may be established by the board of trustees. He shall, for service of any process, receive the same fees as constables. He may appoint, subject to the approval of the board of trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the town marshal. He shall also, with the concurrence of the board of trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as the ordinances shall require.

ARTICLE XI. JUDICIAL DEPARTMENT.

§ 42. A police court is hereby established in such towns, to be held by the police judge of such town. Said police court shall have jurisdiction concurrent with the justices' courts of all criminal cases and proceedings; but such jurisdiction shall be confined to cases occurring within the city, and said courts shall always be open for the trial of penal and criminal causes; and said police courts in cities and towns of the sixth class, having a population of two hundred and fifty or more, shall have jurisdiction concurrent with justices' courts in civil actions and proceedings; and a court shall be held four times each year, at intervals of three months, for the trial of civil cases, the terms to be fixed by the board of trustees. Said court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of such town, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said court shall be the same as are prescribed by law for justices' courts, and appeals may be taken from all judgments of said police courts, in the time and manner, and where the amount in controversy authorizes appeals in cases from justices' courts.

§ 43. The police judge shall be entitled to charge and receive for his services such fees as are or may be allowed by law to justices of the peace for like services. The board of trustees shall, by ordinance, provide who shall act in the place of the police judge when he is absent, or when, from any cause, he can not preside, or when he is sworn off the bench.

ARTICLE XII. MISCELLANEOUS PROVISIONS.

§ 44. Every officer collecting or receiving any money belonging to, or for the use of such town, shall settle for the same with the clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the clerk, for the benefit of the funds to which such moneys respectively belong.

§ 45. No officer of such town shall be interested, directly or indirectly, in any contract with such town, or in doing any work or furnishing any supplies for the use of such town or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and, if audited and allowed, shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be ground for a removal from office, and shall be deemed a misdemeanor, and punished as such.

§ 46. All laws, ordinances, resolutions and by-laws now in force in said cities and towns, not inconsistent with this chapter, shall remain in full force until altered or repealed by the board of trustees.

§ 47. Whereas, the Constitution requires that all towns of the same class shall, by general laws, be endowed with the same powers and subjected to the same restrictions, and many towns of the sixth class are now suffering great inconvenience because certain powers herein conferred can not now be exercised by them; therefore an emergency is hereby declared to exist, and this act shall take effect from its approval by the Governor.

The Committee on Municipalities offered the following amendments to said bill, viz:

No. 1. Amend section 21, line one, by inserting between the words "assessor" and "marshal" the word "and"; and by striking out in said line and line two the words "and town attorney."

No. 2. Amend by adding to article nine the following two sections, to follow immediately after section 36, viz:

§ —. The board of trustees may employ an attorney for such town, who may or may not be a resident thereof, who shall be paid such compensation as said board of trustees may, by ordinance, determine.

§ —. The board of trustees shall have power to cause to be removed any obstructions in the streets of the town, and they shall cause to be opened any street or alley that has been dedicated to the town that may now or hereafter be closed, but before doing so shall give to the adjacent property-owners one month's previous notice thereof."

Which several amendments were agreed to.

Mr. L. E. Thomas offered the following amendments, viz:

Amend section 26, subdivision 1, by inserting after the word "on," in line four, the words "wharf privileges and."

Amend section 26, subdivision 4, by inserting after the word "dollars," in line two, the words "to be paid to the town treasurer."

Which two amendments were disagreed to.

Mr. Myers moved to amend section 6 by striking out the word "manifest," and inserting in lieu thereof the word "material."

Which was agreed to.

And then, at one o'clock, P. M., the House adjourned.

WEDNESDAY, APRIL 5, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Wm. Garrison,	W. F. Peak,
W. W. Ayres,	S. M. Gough,	Thos. S. Pettit,
W. S. Bailey,	Thos. H. Hanks,	Granville Philpot,
John T. Bashaw,	A. L. Harned,	J. F. Porter,
W. P. Beard,	H. K. Hay,	E. M. Pryse,
B. T. Birkhead,	P. R. Hays,	C. D. Reed,
John Botts,	B. B. Hensley,	D. H. Severs,
P. S. Bruner,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	Berry Howard,	C. C. Spalding,
B. E. Caudill,	F. W. Hutcheson,	J. R. Summers,
L. J. Cox,	Daniel James,	Lewis E. Thomas,
W. J. Cox,	J. S. Joplin,	John M. Tinsley,
J. M. Dawson, Jr.,	R. M. Kincheloe,	N. S. Walton,
J. E. Durham,	Lewis Y. Leavell,	B. F. Willett,
D. B. Edmiston,	C. W. Mathers,	Geo. E. Willett,
McD. Ferguson,	W. H. May,	John D. Woods—53.
George Will. Follis,	Hiram McElroy	

The following members were absent, viz :

T. J. Arnett,	J. C. Glenn,	J. A. Perkins,
Posey D. Ball,	Geo. T. Halbert,	A. T. Pullen,
John Bartman,	U. G. Harlow,	I. M. Quigley,
R. F. Bass,	R. K. Hart,	R. E. Roberts,
B. F. Bennett,	W. W. Johnson,	John Ryan,
A. J. Carroll,	T. S. Kirk,	Waller Sharp,
A. H. Charlton,	Henry Kremer,	Fenton Sims,
F. P. Combest,	William Krieger,	W. W. Stephenson,
R. F. Comer,	John M. Letterle,	W. R. Stewart,
Wesley Crow,	H. P. Lively,	Samuel O. Tate,
J. S. Cullen,	John S. May,	J. R. Thomas,
James R. Dean,	M. D. McInerney,	D. W. Tribble,
E. M. Dickson,	Harvey Myers,	J. H. Welch,
John Finn,	W. F. Neat,	H. P. Whitaker,
Ben. F. Gardner,	J. P. O'Meara,	R. B. Wilson—47.
J. P. Gay,	John Lee Payne,	

The reading of the Journal of yesterday's proceedings was dispensed with, and the Journal was approved.

Mr. Gardner entered a motion to reconsider the vote by which the House agreed to the amendment offered by Mr. Pettit to a bill, entitled

H. B. 483. A bill to establish a department of banking in this Commonwealth, and providing for the appointment of a Commissioner therefor and certain assistants, and prescribing their duties and manner of their compensation.

The House took up the unfinished business of yesterday, entitled

S. B. 217. An act for the government of cities of the sixth class.

Mr. Pryse offered an amendment as follows, viz :

Amend section 26, subsection 4, by striking out, in line 12, the words "not be less than one hundred nor more than."

Which was disagreed to.

Mr. L. E. Thomas offered an amendment as follows, viz :

Amend section 26, subsection 4, line 12, by striking out "one hundred" and inserting "two hundred."

Which was disagreed to.

Mr. O'Meara offered an amendment as follows, viz :

Amend section 6 by striking out of line 29 all after the word "remonstrance," down to and including "and," in line 20.

Which was agreed to.

Mr. Hay offered an amendment as follows, viz :

Amend section 26, subsection 4, by striking out all after the word "be," in line 12, down to word "and," in line 13, and inserting in lieu thereof "three hundred dollars."

Which was disagreed to.

The yeas and nays being required thereon by Messrs. Ferguson and Ayres, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	A. L. Harned,	Eli Nicholls,
John Botts,	H. K. Hay,	J. F. Porter,
P. S. Bruner,	P. R. Hays,	E. M. Pryse,
McD. Ferguson,	Daniel James,	S. H. Shouse,
George Will. Follis,	R. M. Kincheloe,	John M. Tinsley,
S. M. Gough,	C. W. Mathers,	N. S. Walton—18.

Those who voted in the negative, were—

W. W. Ayres,	Wm. Garrison,	W. F. Peak,
W. S. Bailey,	Ben. F. Gardner,	Thos. S. Pettit,
Posey D. Ball,	Thos. H. Hanks,	Granville Philpot,
John T. Bashaw,	B. B. Hensley,	I. M. Quigley,
W. P. Beard,	W. J. Hissém,	C. D. Reed,
B. T. Birkhead,	Berry Howard,	R. E. Roberts,
A. J. Carroll,	F. W. Hutcheson,	D. H. Severs,
B. E. Caudill,	J. S. Joplin,	Fenton Sims,
L. J. Cox,	Lewis Y. Leavell,	C. C. Spalding,
W. J. Cox,	John M. Letterle,	W. W. Stephenson,
J. M. Dawson, Jr.,	W. H. May,	J. R. Summers,
J. E. Durham,	Hiram McElroy,	Lewis E. Thomas,
D. B. Edmiston,	M. D. McInerney,	B. F. Willett,
J. M. Frazee,	J. P. O'Meara,	Geo. E. Willett—42.

Mr. Severs offered an amendment as follows, viz :

Amend section 26, subsection 4, by striking out all after word "be," in line 12, down to word "and," in line 13, and inserting in lieu thereof "one thousand dollars."

Which was disagreed to.

Mr. Peak offered an amendment as follows, viz :

Amend section 26, subsection 4, by striking out "one hundred," in line 12, and inserting in lieu thereof "one hundred and fifty."

Which was agreed to.

The yeas and nays being required thereon by Messrs. Severs and Birkhead, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	George Will Follis,	Eli Nicholls,
Lewis Alexander, Sr.,	J. P. Gay,	W. F. Peak,
W. W. Ayres,	S. M. Gough,	Thos. S. Pettit,
John T. Bashaw,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
John Botts,	H. K. Hay,	W. W. Stephenson,
P. S. Bruner,	P. R. Hays,	Lewis E. Thomas,
Polk Cansler,	F. W. Hutcheson,	John M. Tinsley,
W. J. Cox,	Daniel James,	N. S. Walton,
J. E. Durham,	R. M. Kincheloe,	B. F. Willett,
D. B. Edmiston,	C. W. Mathers,	Geo. E. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—36.

Those who voted in the negative, were—

W. S. Bailey,	Wm. Garrison,	J. P. O'Meara,
Posey D. Ball,	Ben. F. Gardner,	Granville Philpot,
John Bartman,	B. B. Hensley,	I. M. Quigley,
W. P. Beard,	W. J. Hissem,	C. D. Reed,
A. J. Carroll,	Berry Howard,	R. E. Roberts,
B. E. Caudill,	J. S. Joplin,	D. H. Severs,
L. J. Cox,	Lewis Y. Leavell,	Fenton Sims,
J. M. Dawson, Jr.,	John M. Letterie,	C. C. Spalding,
E. M. Dickson,	W. H. May,	J. R. Summers,
J. M. Frazee,	M. D. McInerney,	R. B. Wilson—30.

Mr. Bashaw offered an amendment as follows, viz :

Amend section 14 by inserting after the word "taxes," in line six, the words "except as provided by the Constitution."

Which was disagreed to.

Mr. Pryse offered an amendment as follows, viz :

Amend section 37 by striking out the word "annual," and inserting in lieu thereof the word "quarterly."

Which was agreed to.

Ordered, That said bill be read a third time.

Said bill was read a third time by its title, the constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill, as amended, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	Eli Nicholls,
Lewis Alexander, Sr.,	Ben. F. Gardner,	J. P. O'Meara,
W. W. Ayres,	J. P. Gay,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
Posey D. Ball,	Thos. H. Hanks,	Granville Philpot,
John Bartman,	A. L. Harned,	J. F. Porter,
W. P. Beard,	H. K. Hay,	E. M. Pryse,
B. T. Birkhead,	P. R. Hays,	I. M. Quigley,
John Botts,	B. B. Hensley,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
Polk Cansler,	Berry Howard,	S. H. Shouse,
A. J. Carroll,	F. W. Hutcheson,	Fenton Sims,
B. E. Caudill,	Daniel James,	C. C. Spalding,
L. J. Cox,	J. S. Joplin,	W. W. Stephenson,
Will J. Cox,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	Lewis E. Thomas,
E. M. Dickson,	John M. Letterle,	John M. Tinsley,
J. E. Durham,	C. W. Mathers,	N. S. Walton,
D. B. Edmiston,	W. H. May,	B. F. Willett,
McD. Ferguson,	Hiram McElroy,	Geo. E. Willett,
George Will. Follis,	M. D. McNerney,	John D. Woods—64.
J. M. Frazee,		

In the negative—none.

Mr. Mathers, from the Committee on Charitable Institutions, which originated the same, reported a bill, entitled

H. B. 504. A bill appropriating various sums for the repair and improvement of the Central Asylum for the insane.

Which was read at length the first time, ordered to be printed, and read the second time on another day.

At 11 o'clock A. M. the House took up for consideration the first special order for that hour, viz :

H. B. 488. A bill fixing the salary of the judges of the Court of Appeals.

Mr. Peak offered an amendment as follows, viz :

Strike out "five thousand" and insert in lieu thereof "four thousand."

Which was disagreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That hereafter the salary of the Judges of

the Court of Appeals of Kentucky shall be five thousand (\$5,000) dollars each per annum, payable monthly out of the State Treasury.

§ 2. That all laws and parts of laws in conflict with the provisions hereof be, and the same are hereby, repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

W. S. Bailey,	J. M. Frazee,	J. P. O'Meara,
Posey D. Ball,	Ben. F. Gardner,	E. M. Pryse,
John Bartman,	J. P. Gay,	I. M. Quigley,
John T. Bashaw,	W. J. Hissem,	R. E. Roberts,
A. J. Carroll,	Lewis Y. Leavell,	C. C. Spalding,
E. M. Dickson,	John M. Letterle,	W. W. Stephenson,
D. B. Edmiston,	W. H. May,	Lewis E. Thomas—21.

Those who voted in the negative, were—

Mr. Speaker (Moore),	Wm. Garrison,	W. F. Peak,
Lewis Alexander, Sr.,	S. M. Gough,	Thos. S. Pettit,
W. W. Ayres,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	A. L. Harned,	C. D. Reed,
B. T. Birkhead,	H. K. Hay,	D. H. Severs,
John Botts,	P. R. Hays,	S. H. Shouse,
P. S. Bruner,	B. B. Hensley,	Fenton Sims,
Polk Cansler,	F. W. Hutcheson,	J. R. Summers,
B. E. Caudill,	Daniel James,	John M. Tinsley,
L. J. Cox,	J. S. Joplin,	N. S. Walton,
J. M. Dawson, Jr.,	R. M. Kincheloe,	B. F. Willett,
J. E. Durham,	C. W. Mathers,	Geo. E. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—41.
George Will Follis,	Eli Nicholls,	

And so said bill was disagreed to.

The House then took up for consideration the second special order for 11 o'clock A. M., viz :

S. B. 103. An act relating to fees.

Said bill reads as follows, viz :

ARTICLE	I.	Clerks.
ARTICLE	II.	Sheriffs.
ARTICLE	III.	Jailers.
ARTICLE	IV.	Magistrates.
ARTICLE	V.	Constables.
ARTICLE	VI.	Witnesses.

ARTICLE	VII.	Coroners.
ARTICLE	VIII.	Commissioners, receivers, examiners.
ARTICLE	IX.	Attorneys.
ARTICLE	X.	Surveyors.
ARTICLE	XI.	Arbitrators and appraisers.
ARTICLE	XII.	Notaries public.
ARTICLE	XIII.	Chain-carriers, viewers, processioners.
ARTICLE	XIV.	Assistant Secretary of State.
ARTICLE	XV.	How fee-bills to be made out.
ARTICLE	XVI.	When fees due and distrainable.
ARTICLE	XVII.	Illegal fee-bills.
ARTICLE	XVIII.	General provisions.

ARTICLE I. CLERKS.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. Hereafter the clerks of the Court of Appeals, circuit courts and county courts, so far as the same will apply, shall receive the following fees for services performed by them :

For issuing each summons	\$0 30
For each copy thereof	20
For entering and filing return thereof	15
For each order of attachment	30
For each copy thereof	20
For each order of injunction	30
For each copy thereof	20
For each <i>subpœna duces tecum</i>	40
For each subpœna for witnesses	30
But all of the witnesses living in the same county, ordered to be summoned at the same time, shall be included in one subpœna, and the fee therefor shall not be increased.	
For each warrant of arrest of a witness	30
For entering and filing officer's return thereof	15
For each order of arrest	30
For each copy thereof	20
For entering and filing officer's return thereof	15
For each order of delivery	30
For each copy thereof	20
For entering and filing officer's return thereof	15
For docketing an action, motion or proceeding at each term	10
For indorsing steps in each civil case at each term	10
For entering appearance of each party or parties to a cause, to be charged but once	15
For filing a petition, or any other pleading	15
For filing an amended pleading	15
For each order of court, the entire entry to be but one order	30

For each copy thereof, when ordered	\$0 25
For each trial, including all the services incident there- to	75
For swearing a jury, if one be empaneled	25
For entering a judgment without jury	50
For each copy of a judgment, when ordered	30
For taxing costs of each party or parties, at each term when judgment for costs is rendered, or on final judg- ment, on a paper filed or to be filed with the action	30
For a copy of taxation of costs, if called for	20
For issuing an execution, including indorsements and return thereof, to be charged when issued	60
For a copy of any execution and indorsements	50
For recording each award of arbitrators or judgment in equity, or for a copy of either, for each twenty words or fraction thereof	2
For entering attendance of witnesses and giving a cer- tificate thereof, and swearing witnesses	25
For each bond required to be taken by the clerk, includ- ing the administration of an oath to the sureties, and the certificate thereof	75
For each copy thereof, when ordered	30
For filing each appeal	25
For each summons thereon	30
For each copy thereof	20
For filing return thereof	15
For entering satisfaction, or release or discharge of a judgment, in whole or in part, in court, or on an order- book, to be paid by the party procuring the same, and when made by the clerk	30
For administering an oath, and certificate thereof	20
For filing an attachment granted by a justice of the peace or county judge	15
For copying a surveyor's report, for every twenty words, or fraction thereof	2
For filing papers in any cause, for each party, exclusive of process, pleading, depositions, or papers referred to in the pleadings, to be those charged as costs once to each party	30
For filing a deposition to be charged but once in each case, and all those contained in one envelope to be counted as one	15
For each writ of possession	1 00
For each official certificate	30
For issuing a writ of idiocy or lunacy	50
For recording each inquisition under same	50
For each copy of such inquisition, when ordered	50
For copying a record, for every twenty words	2
For copying any other paper, not specified, for every twenty words	2

For taking a recognizance in court.....	\$0 50
For taking each replevin bond.....	50
For every summons required by law.....	30
For entering and recording on the order-book Commis- sioners' reports, or any exhibit or paper in any cause, when ordered by the judgment or order of the court, for every twenty words.....	2
For recording special verdict, for every twenty words..	2
For recording an execution, and its returns and indorse- ments, when land is sold thereunder, to be charged to plaintiff, and included in the redemption price.....	50
For recording release or redemption of land sold under execution, to be added to the price of redemption.....	25
For recording transcript from a justice of the peace or quarterly court, in order to obtain execution from the circuit clerk's office, to be paid by the plaintiff, and charged as costs in the execution.....	30
For recording each bond required by law to be recorded in equity proceedings.....	50
For issuing each supersedeas.....	30
For each copy thereof.....	20
For each commission to take depositions.....	50
For copying courses and distances of any deed, for each tract when demanded.....	25
For recording plat laid down in the allotment of dower or division of land, for each tract thereof.....	25
For copying each report thereof, for each twenty words, or fraction thereof.....	2
And for each plat, for each tract represented on the plat, including the description thereof.....	25
For entering satisfaction of a mortgage or lien when en- tered on the margin of the record-book.....	25
For receiving the acknowledgment, recording and certi- fying each deed or release of a mortgage or lien.....	75
For each order made by the clerk in vacation.....	30
For receiving the acknowledgment or proof of any deed, mortgage, or agreement, power of attorney, marriage agreement, or other agreement or written instrument re- quired by law to be done, and certifying same.....	50
For recording powers of attorney, marriage agreements, and other agreements, allotments of dower, division of land, wills, inventories, sale bills, settlement of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof.....	2
For each order in the county court.....	25
For each copy thereof when ordered.....	25
For the probate of a will and certificate, including all services relating thereto.....	50
For an order granting an administration, appointing guardian, curator, or committee of an idiot or lunatic, or appraisers of estate, or any fiduciary.....	25

For taking a bond from any fiduciary	\$0 50
For certificate of administration, or copy of it	25
For copy of tavern rates	25
For marriage license, bond, certificate and recording it	1 50
For any other license	1 00
For order binding out an apprentice	25
For copy of same when ordered	25
For writing the indentures, and recording the same	1 00
For making a record for the establishment of a town, recording the plan or plat thereof, and all other services incident	5 00
For recording survey of a city or town, or any part thereof, or any addition to, or the extension of, the boundary of a town or city	3 00
For taking a bond from the owner of a ferry, or in any other case where no fee is fixed specially by law	50
For copy of any bond, when ordered	50
For recording post notice of an estray, waif or wreck, and advertising same	75
For every order concerning the establishment, changing, closing or discontinuing of roads to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not	25
For each order appointing surveyor of road	25
For each copy thereof	25
The last two named to be paid out of the county levy.	
For each order in proceedings for private passways, to be paid by applicant	25
For each copy of same, to be paid by applicant when ordered	25
For each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy	2 00
For taking the acknowledgment or proof of a deed of real estate, certifying and recording the same, and record- ing his own certificate, provided the entire record thereof does not exceed twelve hundred words, \$1.25 ; and for all over twelve hundred words, for every twenty words	2
For each additional certificate	25
For each additional tract embraced in such deed, ex- cept town lots	25
For copy of deed and certificate thereon	1 00
For recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole service	1 00
For each copy thereof	75
For recording mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed twelve hundred words,	

\$1.25 ; and for all over twelve hundred words, for every twenty words.....	\$0 2
For copy of same.....	1 00
For recording mortgage of personalty	1 00
For copy of same.....	75
For recording deeds of trust, or assignments for the benefit of creditors	1 50
For copy of same, when ordered	75
For taking bond required of the trustee or trustees in such cases, and including all services connected with it ..	1 00
For recording inventories required to be filed by the trustee; for every twenty words	2
For each certificate of election of an officer, to be paid by the person receiving it	50
For administering an oath to a broker	25
For each bond not specifically provided for.....	50
For services required to be rendered by the county clerk under section 1, article 13, of "An act relating to revenue," which became a law November 11, 1892, without the Governor's approval, per line	2
For each order and certificate allowing any claim against the county or State Treasury, where the claim exceeds \$5, and to be paid by the claimant	30
Similar fees for similar services shall be allowed in all cases in the name of the Commonwealth when a fine is assessed and collected.	
For issuing a warrant in bastardy case.....	1 00
§ 2. As additional compensation for services in Commonwealth cases, each circuit clerk shall receive from the State Treasury ten per cent. of the amount of all fines and forfeitures recovered in their respective courts and paid into the State Treasury, but not until so paid in ; and shall also receive as compensation for all services rendered in a felony case in which there is a conviction for a felony or acquittal upon the trial of a jury, to be paid out of the State Treasury upon the certificate of the circuit court, \$2.	

ARTICLE II. SHERIFFS.

§ 3. Sheriffs shall be allowed to charge and collect the following fees :	
For executing and returning process.....	\$0 60
For serving an order of court and return.....	50
For summoning each witness.....	25
For summoning an appraiser or reviewer.....	40
For each day's attendance in the country on a jury, or attending a surveyor, when ordered by a court.....	100
For taking any bond which he is authorized or required to take in any action or proceeding.....	50
For collecting money under execution or distress warrant, if the debt be paid or the property sold, or a delivery bond given	

and not complied with, the sheriff shall be entitled to six per cent. on the first three hundred dollars, and three per cent. on the residue; when he shall levy an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by injunction, appeal, or other legal proceedings, or by order of the plaintiff, the officer shall be entitled to half of the above commissions, to be charged to the plaintiff, and collected as costs in the case.

For taking a recognizance of a witness..... \$0 25

For levying an attachment..... 60

And when the property attached shall be sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment; and the fee of the officer selling the property shall be lessened by that sum, and reasonable charges for removing and taking care of attached property, to be allowed by order of court.

For summoning a garnishee..... \$0 50

For summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted..... 2 00

For serving the process, or arresting the party, in such cases, to be paid by the party convicted..... 50

For serving an order or process of revivor..... 50

For executing a writ of possession against each tenant or defendant..... 1 50

For executing *ca. sa.*, the same commission as collecting money on execution. If the debt is not paid, but secured, half commission.

For summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses..... 3 00

For collecting militia fines and fee-bills, ten per cent., to be deducted out of the fee-bill or fine.

For levying for a fee-bill..... 50

For serving a notice..... 25

For serving warrants or process of arrest in bastardy cases..... 2 00

For serving each order appointing surveyors of roads, to be paid out of the county levy..... 50

For serving each summons or order of court in applications concerning roads, to be paid out of the county levy, if the road is established, and in all other cases to be paid by the applicant..... 50

For like services in cases of private passways, to be paid by the applicant..... 50

For services rendered in cases in the quarterly courts, sheriffs shall be allowed the same fees given to constables in all cases where the amount claimed is fifty dollars or under.

For executing each writ of *habeas corpus*, to be paid by the petitioner 1 00

For all services under a writ issued under the chapter entitled "Occupying Claimants" 4 00

For attending by himself or deputy the regular terms of the county courts a reasonable allowance, not exceeding two dollars per day, to be allowed by the county judge and paid out of the county levy.

§ 4. A sheriff shall not be required to execute any writ, process or summons in a civil case sent to him from another county unless it be accompanied by the fee allowed for executing the same. If the writ, summons or process is not executed, the sheriff shall return the fee.

§ 5. When a sheriff, or other peace officer, arrests a person charged with a misdemeanor upon a warrant issued from another county, and conveys such person to the county jail of the county from which the warrant issued, he shall receive for his services the same compensation for mileage and expenses as is allowed for conveying a prisoner to the penitentiary, to be paid out of the county levy of such county. The sheriff or officer shall make out and present to the county judge of such county an itemized statement of his mileage and expenses, subscribed and sworn to by him, and the judge may direct the sheriff to pay the same out of any funds in his hands not otherwise appropriated.

§ 6. The sheriff, for collecting the county revenue, ten per cent. upon the first five thousand dollars, and four per cent. upon the residue: *Provided*, That in no case shall the aggregate annual compensation of the sheriff for official services exceed \$5,000, independent of the compensation of legally authorized deputies and assistants.

ARTICLE III. JAILERS.

§ 7. The fees of the jailers shall be as follows:

For attending county and quarterly courts, to be paid out of the county levy, per day, not exceeding 2 00

For furnishing fuel and lights to county and quarterly courts, a reasonable compensation, not exceeding two dollars per day, to be paid out of the county levy.

For putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of the irons, to be paid out of county levy 50

For keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, fifty cents per day, to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for the violation of a statute, where the city or town gets the benefit of the fine; in that case, to be paid by such city or town.

For all other services performed by him, the same fees as sheriffs.

ARTICLE IV. MAGISTRATES.

§ 8. The fees of justices of the peace, county judges and city or police judges, so far as the same apply, shall be :

For issuing warrant or summons	\$0 25
For each subpoena for a witness or witnesses	20
For each attachment for a witness or witnesses	25
For each original judgment	25
For recording same	25
For each execution	25
For each copy of a judgment or execution, when ordered	25
For each order of attachment	25
For each copy thereof	15
For taking bond for an attachment	25
For each affidavit to procure an attachment, warrant of arrest in a civil case, order of delivery, or to prove a demand against a decedent's estate, if the justice prepares the affidavit	25
For each summons against garnishee, after return of "no property"	25
For each copy thereof	15
For each distress warrant for rent	25
For taking a replevin bond or recognizance	25
For swearing a person and giving a certificate	20
For each order of injunction	25
For each copy thereof	15
For each order of arrest in a civil case	25
For each copy thereof	15
For each order of delivery	25
For each copy thereof	15
For each order of court in any civil proceeding	20
For each copy thereof, when ordered	10
For docketing a cause at each term	5
For taking any bond not hereinbefore provided for	25
For each writ of <i>habeas corpus</i>	50
For each peace warrant	50
For presiding at final trial in misdemeanor cases	2 00
For each writ of forcible entry and detainer	50
For superintending trial of writ of forcible entry and detainer, per day	1 50
For each day's attendance as a member of the fiscal court, to be paid out of county levy	3 00
For certifying copy of judgment and amount of costs on appeal	25
For taxing costs of each party or parties at each term when judgment for costs is rendered, or on final judgment	10
For entering each witness' attendance, and giving certificate thereof	15

For each trial by a jury, including all services incident thereto in a civil case	\$0 60
For entering and giving a post notice of any estray, waif, boat, water craft or wreck	25
For order causing bulls, studs or jacks running at large to be altered	25
For order commanding owner of distempered cattle to confine them	25
For copy of record certified, two cents for every twenty words.	

§ 9. County judges, for all services rendered in the quarterly courts, when the jurisdiction is concurrent with the circuit courts, shall be entitled to charge and receive the same fees allowed by law to clerks of circuit courts for similar services.

In cases upon appeal from justices' courts the fees of the county judge shall be as follows, to wit :

For filing copy of judgment	\$0 05
For taking appeal bond	25
For issuing supersedas and copy	30
For issuing summons on appeal	25
For each copy thereof	10
For other services in such cases, his fees shall be the same as justice's fees for similar services.	
For settling accounts of fiduciaries, one dollar when the estate is of less value than five hundred dollars ; when the estate is of more value than five hundred dollars, for each day	1 50

ARTICLE V. CONSTABLES.

§ 10. Constables shall be allowed to charge and receive the following fees :

For serving a summons in any civil case, on each defendant, before a justice of the peace	\$0 50
For serving a peace or search warrant, for each defendant	1 00
For levying an attachment	50
And a reasonable fee for removing and taking care of any attached goods, live stock or other property, taken under the attachment, to be allowed by the court.	
For summoning a garnishee	50
For taking up a vagrant	50
For summoning a witness	20
For collecting money under execution or other legal process, taking a replevin or forthcoming bond, or for a stay of execution, the same commission that may be allowed a sheriff, and one per cent. more.	
For collecting fee-bills, ten per cent., to be deducted from the fee-bill.	
For summoning and attending a jury	1 00

For serving a notice on each person.....	25
For killing a mad dog.....	1 00
For killing and burying a distempered horse, ass or mule.....	3 00
For killing and burying any other cattle, per head....	2 00
For altering a stud, jackass or bull.....	1 00
For any other services, the same fees as sheriffs.	

ARTICLE VI. WITNESSES.

§ 11. A witness, if summoned or recognized to attend, shall be allowed for each day's attendance on court or arbitrators, or to give a deposition, or to give evidence on any legal occasion..... 1 00

Officers attending out of their county, under a *subpoena duces tecum* day..... 2 00

A witness summoned and attending, and who resides more than twenty miles from the place to which he is summoned, shall, when ordered by the court to attend, be allowed four cents per mile going and returning, besides ferriages and tollage in going and returning, in addition to his per diem; and a witness in a civil case, who resides more than twenty miles from the court-house, shall not be required to attend, unless the mileage, tollage and ferriage is paid or tendered to him in advance, unless ordered to attend by the court without such payment or tender.

§ 12. A witness attending in several suits at the same time shall only be allowed to claim in one case.

§ 13. Witnesses summoned and attending in courts inferior to the circuit courts shall be allowed, when they claim attendance in open court, fifty cents per day, where they reside in the same justices' district in which the court is held; if they reside out of the district, they shall receive the same fees as witnesses in the circuit court.

§ 14. Any person who has been summoned or recognized as a witness in a felony case, and who fails, upon the calling of the case, to appear, shall not thereafter be allowed to claim as a witness in that case, unless from his affidavit filed it shall appear that he had a good excuse for his failure to attend; and, upon the filing of such affidavit, the court may allow such witness to claim his attendance, and the clerk shall note on his order-book the name of each witness failing to attend as herein required.

§ 15. Each witness in a felony case shall, immediately after he testifies, claim, in open court, his attendance, which claim may be allowed by the court; and if allowed, shall be noted of record; and a witness shall not be allowed his attendance for any day previous to the day the case was set for trial; nor shall he be allowed to claim for any day when he was not in attendance upon court, nor for any day after he has testified, unless

the Commonwealth or county attorney shall state in open court that the witness may be thereafter needed in the case, which statement, or a minute thereof, shall be entered of record.

ARTICLE VII. CORONERS.

§ 16. Coroners shall be allowed to charge and receive the following fees:

For holding an inquest on a dead body, and burying the deceased, to be paid out of the estate of the deceased, if sufficient; if not, out of the county levy..... \$6 00

For all other services, they shall be allowed the same fees allowed to sheriffs and constables for similar services.

ARTICLE VIII. COMMISSIONERS, RECEIVERS AND EXAMINERS.

§ 17. To a commissioner to allot dower, or divide land or settle accounts, per day..... \$1 50

To a commissioner for making a deed..... 1 50

To master commissioners or receivers, where the amount is not agreed upon by the parties, for each day they are actually engaged 3 00

For selling land or personal property where the amount of the sale does not exceed two thousand dollars..... 7 50

Where the sale amounts to more than two thousand dollars, but does not exceed five thousand dollars..... 10 00

Where the sale amounts to more than five thousand but does not exceed ten thousand dollars..... 15 00

Where the sale exceeds ten thousand dollars..... 25 00

Where the officer goes out of his county to make the sale, he shall be allowed his actual expenses and five dollars per day in addition to the fees.

For receiving and paying out money under an order of court, where the amount is one thousand dollars or less, one and one-half per cent.

Where the amount is more than one thousand dollars, but does not exceed two thousand dollars, one and one-half per cent. on the first one thousand and one per cent. on the excess.

Where the amount is more than two thousand, but does not exceed five thousand dollars, one and one-half per cent. on the first thousand, one per cent. on the second one thousand, and one-half of one per cent. on the excess.

Where the amount is over five thousand, he shall receive fees on the first five thousand dollars as above provided, and one-fourth of one per cent. on the remainder.

If a sale is set aside because of the fault of the officer making the sale, he shall not receive any compensation for his service connected with such sale.

§ 18. Examiners, or other officers authorized to take depositions, shall be allowed to charge and receive the following fees :

For taking the deposition of a witness, where not more than one deposition is taken for the same party on the same day, and certifying the same..... \$2 00

For taking a deposition, where more than one is taken for the same party on the same day, and certifying same, each 1 00

But the fees of examiners for taking and certifying depositions shall not exceed three dollars per day against any one party.

For issuing a *subpoena*, or any other writ, certificate, or for any other service, the same fee that is allowed to clerks of circuit courts for similar writs, certificates or service.

ARTICLE IX. ATTORNEYS.

§ 19. There shall be allowed to the successful party, if he is represented by a licensed attorney, and taxed as costs in all actions in which no jury is empaneled, and where the amount in controversy, exclusive of interest and costs, amounts to fifty dollars, the following attorney's fees :

In the Court of Appeals, in equity cases\$10 00

In all common law actions 5 00

In the circuit court, in common law cases..... 2 50

In equity cases..... 5 00

In all cases in the county court..... 2 50

In all cases in the quarterly court 2 50

An attorney, appointed on the application of the plaintiff to defend for an infant, person of unsound mind, or prisoner, and an attorney appointed on application of the plaintiff to correspond with a non resident defendant, shall be allowed by the court a reasonable fee for his services, to be paid by the plaintiff and taxed as costs ; but if no service is rendered, other than to file a report or answer, the fee shall not exceed, for each person represented 5 00

§ 20. Clerks of circuit and quarterly courts shall tax and allow as part of the costs of the plaintiff, appellant, traverser, or other person responsible to the Commonwealth for the same, the tax on law processes and official seals and jury fees collected by such clerks.

ARTICLE X. SURVEYORS.

§ 21. The fees of surveyors shall be as follows :

For a survey of each tract of land of not over one hundred acres, and plat of the same, three dollars ; and for each additional fifty acres, or fraction thereof..... \$1 00

For surveying town lot, and plat thereof..... 1 00

For running a dividing line, per day..... 2 00

For surveying land for a mill seat	\$3 00
For surveying patent land by the patent boundaries, and making plat thereof, three dollars; and for every hundred or fraction of a hundred acres over four hun- dred	1 00
For each plat and connection, one dollar, and for each tract represented on a connected plat over two	50
For running a dividing line between two counties, to be paid by the new county, where one is made, five dollars per day; and if between counties existing, to be paid by the counties equally interested.	
For receiving and receipting for land warrant	\$0 25
For copy of a certificate and survey	50
For making an entry for land and copy	25
For every survey made under an order of court, for every three poles	1
For attending commissioners in dividing land or assign- ing dower, per day	2 00
For every plat from notes taken on the ground or fur- nished by the party, and calculating contents, with cer- tificate attached	1 50
For each additional plat laid down from field notes, or from official documents with notes of explanation	25
For each copy of such connected plat	50
For processioning land, per day	3 00
For each connected plat thereof	50
For each day's attendance on the viewers of a road or passway	3 00
For each connected plat of the same, metes and bounds, courses and distances, with explanatory notes and report,	1 00
The surveyor shall have the right to and refuse to deliver to any party, or file in court any plat or report of survey until his cost for making same have been paid.	

ARTICLE XI. ARBITRATORS AND APPRAISERS.

§ 22. Arbitrators shall be allowed one dollar and fifty cents per day, to be paid by the successful party, and taxed as costs. Appraisers shall be allowed one dollar and fifty cents per day, to be paid out of the estate.

ARTICLE XII. NOTARIES PUBLIC.

§ 23. The fees of notaries public shall be as follows :

For every attestation, protestation, or taking acknowledgment of any instrument of writing, and certifying the same under seal	\$0 50
For recording same in book to be kept for that purpose,	75
For each notice of protest	25
For administering an oath and certificate thereof	50

ARTICLE XIII. CHAIN-CARRIERS, VIEWERS, PROCESSIONERS.

§ 24. Chain-carriers and markers shall be allowed each one dollar per day for their services, to be paid by the person causing the survey to be made. If the survey is made under an order of court, their services, and the fees to which they are entitled, shall be reported by the surveyor in his report.

Viewers of a road shall be paid by the applicant, per day	\$1 00
ProceSSIONERS shall be allowed, per day, to be paid by the employer.....	2 00

ARTICLE XIV. SECRETARY OF STATE.

§ 25. The Secretary of State shall charge and receive, for the use and benefit of the Commonwealth, the following fees, to be paid by the applicant :

For issuing a commission and all necessary forms to a foreign commissioner of deeds for Kentucky	\$5 00
For commission to a notary public.....	2 00
For each remission or respite.....	2 00
For affixing seal to all attestations and certificate by the Secretary of State	2 00
For each warrant of arrest.....	2 00

No fee or compensation shall be charged for affixing the State seal to a commission issued by the Governor to an officer in this State, required by law to be commissioned, or to grant a pardon of a felony except as herein provided. In no case shall the Secretary or Assistant Secretary of State charge or receive for themselves any fee or compensation for official services other than their annual salary ; but said Secretary shall, on the first Monday in January of each year, and every sixty days thereafter, report to the Auditor and Treasurer, and pay over to the Treasurer, any and all sums charged, received or collected by him or his assistant for services by virtue of the foregoing provisions or any other laws authorizing the Secretary to charge persons for particular services rendered in his said office.

ARTICLE XV. HOW FEE-BILLS TO BE MADE OUT.

§ 26. The fee-bills of every officer shall be made out at length, in figures, and in plain English, and signed by the officer in his official capacity.

1. No officer shall demand or receive for his services any other or greater fee than is allowed by law, or any fee for services rendered when the law has not fixed on a compensation therefor ; nor any fee for services not actually rendered.

2. Where there are more plaintiffs or defendants than one in

an action at law or in equity, and they shall sever in their pleadings or otherwise, so that part of them shall cause the clerk or other officer to render separate services for him or them, for which the others ought not to be liable, the fees for such services shall be charged separately to those for whom the service shall be rendered.

3. No officer in making out his fee-bill shall omit the name of any person properly chargeable therewith, or insert the name of a person not properly chargeable.

4. Fees against a person acting in a trust capacity shall be made out against him in such capacity; and such persons shall only be liable therefor to the extent of the trust funds in their hands liable to the payment thereof.

5. No fee-bill shall be made out, or compensation allowed hereafter, for any *ex officio* services rendered or to be rendered by any officer.

§ 27. If any officer shall die before making out a fee-bill, or collecting his fees in any case, his deputy, or, if none, his personal representative, may, within two years after the services were rendered, make out and sign a fee-bill therefor, and may list the same in due time for collection with the proper officer, and the same shall be collectable and distrainable as if issued by the deceased officer in his lifetime.

1. Any deputy or personal representative who shall knowingly make a wrong charge, or in any respect issue an illegal fee-bill, shall be subject to the same liabilities, and the person the bill is against shall be entitled to the same remedies against such deputy or personal representative as are given against an officer if issued in his lifetime.

2. If any person, against whom a fee-bill is issued under this section, shall make affidavit that the fee was paid to the officer in his lifetime, and produce the affidavit to the officer having the fee-bill for collection, such officer shall forthwith return the fee-bill and affidavit to the person who issued it, and the same shall thereafter be collectable by action only as other debts.

ARTICLE XVI. WHEN FEE-BILLS DUE AND DISTRAINABLE.

§ 28. All fees shall be due and payable within two months after the services are rendered.

1. The fee for the attendance of a witness may be distrained for immediately after it is due, and shall retain its distrainable power for three years. From the expiration of that period, it shall only be collectable as other debts of like quality.

2. The fees of all officers shall be distrainable on and after the first of January next ensuing the rendition of the services; and whether an officer shall list the same or not, it shall retain its distrainable force for three years; and from the expiration of that period it shall only be collectable as other debts of like quality.

§ 29. No distress shall be made for any fee-bill until the same is exhibited to and a demand of payment thereof is made from the person it is against.

§ 30. Officers' fees may be distrained for immediately after the services are rendered, when the officer rendering the services shall make an affidavit on the back of such fee-bill that the person it is against is about to leave the State with his effects, or that he intends and is about fraudulently to sell or dispose of his effects with the intent of hindering and delaying his creditors in the collection thereof.

ARTICLE XVII. ILLEGAL FEE-BILLS.

§ 31. Every fee-bill containing one illegal charge, or which, in any respect, is not according to what is required by law, shall be void for the whole amount thereof.

§ 32. Any officer who shall split up and divide his services so as to make two charges, when the law intended but one charge or fee for the whole service, or who shall knowingly make an illegal charge, or issue an illegal fee-bill, or collect, or attempt to collect, his fees twice for the same services, or shall, by any indirection, collect, or attempt to collect, more for his services than is allowed by law, shall be guilty of a misdemeanor, and fined not less than fifty nor more than two hundred dollars.

§ 33. Any officer who shall be guilty of any of the offenses specified in the last preceding section shall be considered guilty of a high misdemeanor, and his conviction thereof shall be *prima facie* evidence of his guilt in any proceeding to remove him from office.

§ 34. An officer who issues a fee-bill shall be liable to an action at the suit of any person for a distress made on his property by virtue of such fee-bill, if it contains any illegal or improper item, or an item for which the services have not been rendered, or shall omit the name of any of the parties legally chargeable therewith, or if it issues for a fee against any person not legally chargeable with the same, or that has been paid, or if the fee-bill shall not strictly comport in every particular with the laws in respect to fee-bills.

1. No officer issuing such fee-bill shall, in defense of such action, justify under such fee-bill.

2. In such action the finding of the jury shall not be less than three times the amount of the fee-bill.

§ 35. If any person shall pay any fee-bill or claim for fees, in which he believes there is an erroneous, improper, or illegal item or items, or charge or charges for services not actually rendered, or that the fee-bill does not comport with the law in every respect, he may hand such fee-bill to the circuit judge, who presides in the county where the person who paid the bill resides, either in vacation or in term time; and, thereupon, such judge, after inspecting the fee-bill, if there be any item therein

not authorized by law, or if the fee-bill does not comport with the law in every respect, shall, at the term that he receives the fee-bill, or, if in vacation, at the next term of the court holden for that county, proceed to quash such fee-bill, and order the officer to repay the amount of the fee-bill to the person who had paid the same, and for the costs of the proceeding.

1. He shall, moreover, enter up a fine against the officer who issued such fee-bill in favor of the person aggrieved, of not less than one dollar nor more than four dollars for each illegal item contained therein. The production of the fee-bill by the party charged shall be *prima facie* evidence of its payment.

2. If the court or judge is of the opinion that there is no improper charge or illegal item in the fee-bill for which it ought to be quashed, he shall restore it to the person placing it in his hands, without costs or expense.

3. A *fiery facias* may issue in behalf of the person aggrieved for all the sums and costs adjudged under this section, which shall be indorsed that no surety is to be taken.

4. Before any judgment is entered under the provisions of this section, the defendant in the proceeding must have at least two days' notice thereof, by rule or otherwise.

§ 36. If distress be made upon the property of any person for a fee-bill, which has any unjust or improper charge or item therein, or any item that is not made out in every respect agreeably to the requirements of law, such person may apply to the officer making such distress for an exact copy of the fee-bill, whose duty it shall be to make out and deliver the same to such person forthwith.

1. On the receipt of such copy, the person on whom the distress is made may lay the same before the circuit judge who presides in the county of his residence, and if, on the inspection thereof, the judge shall be of opinion that the fee-bill contains one unjust item, or one item not made out in every respect according to the requirements of law, he shall, by written indorsement thereon, order the officer to stay proceedings under the distress until the matter is determined in court.

2. Upon the receipt of such order, the officer making the distress shall obey the same, and restore the property distrained to the owner.

3. The officer shall, moreover, return the fee-bill and copy with the judge's order thereon to the circuit court clerk's office of his county, with the facts of the case indorsed on the fee-bill.

4. The officer who issued the fee-bill shall be notified as directed in the preceding section.

5. At the term of the court at which the judge makes the order on the fee-bill, or, if made in vacation, at the next term thereof, the court shall proceed to act on and quash the fee-bill, and render judgment against the officer issuing the same for the amounts and in the manner stated in the next preceding section, and for which execution may issue.

§ 37. No officer shall be entitled to any fee in a proceeding for a misdemeanor unless the same is recovered and collected from the defendant, in which cases the fees allowed and to be taxed shall be the same as for similar services in civil cases.

ARTICLE XVIII. GENERAL PROVISIONS.

§ 38. The clerk of the circuit court, the clerk of the county court, and the sheriff of each county having a population of seventy-five thousand or over, shall, after the terms of the present incumbents, respectively, expire, and on the first day of each month, severally send to the Auditor of Public Accounts a statement, subscribed and sworn to by each of them, showing the amount of money received or collected by or for each of them the preceding month as fees or compensation for official duties, and shall, with such statement, send to the Auditor the amount so collected or received.

§ 39. Each of the officers mentioned in the preceding section shall receive an annual salary of five thousand dollars, and the number of deputies allowed to each of said officers, and the compensation to be received by each, except the chief deputy, and the amount, if any, allowed for the necessary expenses of the office, shall be regulated and fixed by an order entered upon the order-book of the circuit court and county court, and signed by a majority of the judges of said courts; and a certified copy of said order shall, as soon as entered, be forwarded to the Auditor of Public Accounts, as shall a copy of any subsequent changes made therein.

§ 40. The salary of the chief deputy of each of said officers shall be two thousand dollars per year, and the salary of each of the other deputies shall be fixed at a reasonable amount, not exceeding fifteen hundred dollars per year.

§ 41. The salary of each officer, his deputies and expenses of office, shall be paid monthly by the Treasurer of the State upon the warrant of the Auditor, made payable to the officer. If seventy-five per cent. of the amount paid into the State Treasury in any month is not sufficient to pay the salaries and expenses for that month, the deficit may be made up out of the amount paid in in any succeeding month; but in no event shall the amount paid by the Auditor to any officer for salaries and expenses exceed seventy-five per cent. of the amount paid into the Treasury each month by such officer during his official term.

§ 42. If any officer shall fail to make and file with the Auditor, as herein required, the monthly statement, or shall fail to remit the amount shown by such statement at the time required, unless the time for filing such statement and paying the money is extended by the Auditor, which he may do, but not for longer than ten days in any month, such officer shall be fined for each offense not less than five hundred dollars.

§ 43. If any officer shall knowingly omit to report, or fail to

report or make, as herein provided, a correct statement of all the money received or collected the preceding month on account of his office, or shall knowingly make or subscribe any false statement concerning the same, such officer shall be guilty of a felony, and punished by confinement in the penitentiary for not less than one nor more than five years.

§ 44. When the term of any chief officer shall expire, or he shall die or resign, or be removed from office, he or his personal representative, trustee, or committee, as the case may be, shall at once deliver to his successor in office all accounts, claims and fees due to such officer in his official capacity; and it shall be the duty of such successor to have such fees, claims and accounts collected, or the Auditor may, in his discretion, when said accounts, fees and claims are so delivered to the successor, appoint some person to collect them, and if he does, the successor shall at once, or at any time when demanded by such person, deliver to him all accounts, fees and claims uncollected. The successor, or the person appointed by the Auditor, as the case may be, shall, every sixty days after receiving such accounts, fees and claims, report to the Auditor, under oath, the amount collected thereon, and, at the same time, pay to the Auditor the amount so collected, and shall continue to so report for three years, unless the accounts, fees and claims are sooner collected.

§ 45. The Auditor shall, upon each payment, draw his warrant on the Treasurer in favor of the person collecting for an amount equal to twenty per cent. of the amount so paid into the Treasury, which shall be in full of the compensation allowed such collector.

§ 46. If the amount paid to any officer during his term or incumbency shall not have been sufficient to pay the salaries and expenses of such officer and his office, the Auditor shall, out of the money collected and paid as herein provided by his successor or the person appointed as collector, pay to such officer, or to the person entitled to receive the same, an amount sufficient to supply the deficit due for salaries and expenses, not exceeding seventy-five per cent. of the amount of fees accrued during his official term, and which shall have been collected and paid into the Treasury.

§ 47. If any officer or his personal representative, trustee, or committee, as the case may be, shall collect any fees, accounts or demands due him in his official capacity after the expiration of his term, or after he has resigned or died or vacated the office, or shall fail to deliver to his successor all the fees, claims and accounts due to him in his official capacity, he, or his personal representative, committee or trustee, as the case may be, shall be fined not less than five hundred dollars for each offense.

§ 48. If such successor, or the person appointed collector, shall fail to make and file when, and as required, the statement required, or shall fail to pay, as required, to the Auditor the

money collected, he shall be fined for each offense not less than five hundred dollars, or if such successor or person, as the case may be, shall knowingly omit to report, or fail to report or make, as herein provided, a correct statement of all money received or collected, or shall knowingly make or subscribe any false statement concerning the same, he shall be guilty of a felony, and punished by imprisonment in the State penitentiary for not less than one nor more than five years.

§ 49. In counties having a population of seventy-five thousand or over, the jailer shall, after the term of the present incumbent has expired, receive an annual salary of five thousand dollars; and the number of his deputies, guards and turnkeys, and the salaries allowed to each, shall be fixed by the judge of the county court, the mayor of the city where the jail is located, and the judge of the criminal division of the circuit court; but the annual salary of the chief deputy shall not exceed eighteen hundred dollars per annum, nor shall the annual salary of each of the other deputies, guards or turnkeys exceed twelve hundred dollars per annum. The order fixing the salaries and number of deputies, guards and turnkeys shall be signed by a majority of said persons, and spread upon the order-book of the county court, and a certified copy thereof, as well as of any subsequent changes made therein, shall be filed when made with the Auditor of Public Accounts.

§ 50. The jailer shall, on the first day of each month, make out an itemized statement, subscribed and sworn to by him, showing the expenses of his office, exclusive of salaries, and the amount of such expenses, as well as the amount received the preceding month by such jailer as fees or compensation, or due to him for all services rendered by him in his official capacity, and whether due or paid by the State or city, or county, or United States Government, and shall, at the same time, pay to the Auditor the amount so received. If the jailer shall fail to make and return to the Auditor as required such statement on the first day of each month, or shall fail to make the payment required, unless the time for filing such statement and making said payment be extended by the Auditor, as it may be, for not exceeding ten days in any month, he shall be fined not less than five hundred dollars; and if the jailer shall knowingly omit to report or fail to report, as herein required, a correct statement of the amount due for, as well as the amount received the preceding month, and the amount of expenses of his office, exclusive of salaries, or shall knowingly make or subscribe any false statement concerning the same, he shall be guilty of a felony, and imprisoned in the penitentiary for not less than one nor more than five years.

§ 51. Upon the receipt of such statement, the Auditor shall draw his warrant upon the Treasurer for an amount not exceeding seventy-five per cent. of the amount of the fees or compensation due to or paid to the jailer for services rendered the pre-

ceding month. If the amount so paid is not sufficient to pay the salaries and expenses of the office for the month, the deficit may be made up out of the amount due or paid in any succeeding month; but in no event shall the amount paid exceed seventy-five per cent. of the amount paid into the Treasury by the jailer or credited to him by the Auditor. If the jailer should die or resign, or be removed from office, any deficit due to him shall be paid to him or to his personal representatives, trustees or committee, as the case may be.

§ 52. The Auditor, or, by his direction, the jailer for him, shall collect, as speedily as possible, the amount found to be due by each monthly statement from the county, city or United States Government, as the case may be, and he shall give the jailer credit by the amount so collected and paid into the Treasury, as well as by the amount due from the State, which latter amount shall be considered as paid to the Auditor by the jailer.

§ 53. Each jailer, county clerk, circuit clerk and sheriff in a county having a population of over 40,000 and 75,000 shall, in a suitable book kept in his office, keep and enter therein a true and faithful account of the amounts earned by him or due him for official services from each person, company, corporation, county, State or United States Government, and what part thereof, if any, has been paid and when paid; and shall annually, in the month of January, report to the Auditor, under oath, the amount received by him on account of his official duties or position from all sources during the preceding year, as well as the amount paid out by him for deputies or assistants, giving the amount paid to each, and for expenses of his office; and if it shall appear from such statement that any such officer received as compensation on account of his office, from all sources, more than three hundred dollars after the payment of his deputies or assistants, and all the expenses of his office, such officer shall, with such statement, pay to the Auditor the amount so received in excess of three thousand dollars; and any officer who shall fail to keep said book, account or report as required by this section, he shall be fined not less than one hundred dollars nor more than five hundred dollars, and, upon conviction, a judgment shall be entered declaring his office vacant. The annual salary of each deputy or assistant employed by said officers, or either of them, shall be fixed by the judge of the county court, by an order entered of record, and shall not exceed twelve hundred dollars per annum; and a copy of said order, as well as a copy of any changes made therein, shall be filed with the Auditor by the clerk of the county when made.

§ 54. The clerk of the Court of Appeals, and each assessor, in a county having a population of over seventy-five thousand shall, annually, in the month of January, report to the Auditor, under oath, the amount received by him on account of his official duties or position, from all sources during the preceding year, as well as the amount paid out by him for deputies or as-

sistants, giving the amount paid to each, and for expenses of his office; and if it shall appear from such statement that any such officer received as compensation on account of his office, from all sources, more than \$4,000, after the payment of his deputies or assistants, and all the expenses of his office, such officer shall, with such statement, pay to the Auditor the amount so received in excess of four thousand dollars; and if any officer shall fail to report as required by this section, he shall be fined not less than one nor more than five hundred dollars, and, upon conviction, a judgment shall be entered declaring his office vacant. The annual salary of each deputy or assistant assessor shall be fixed by the judge of the county court, by an order entered of record, and shall not exceed six hundred dollars per annum. A copy of such, as well as a copy of any changes made therein, shall be filed with the Auditor by the clerk of the county court when made. The salaries of the deputies of the clerk of the Court of Appeals shall be fixed by an order of the Court of Appeals, a copy of which shall be filed with the Auditor by the clerk of said court when made.

§ 55. If any officer mentioned in the preceding section shall knowingly omit to report, or fail to report as required, a correct statement of the amount received or collected, or the amount of his office expenses, or shall knowingly make or subscribe any false statement concerning the same, he shall be guilty of a felony, and imprisoned in the penitentiary not less than one nor more than five years, and, upon conviction, a judgment shall be entered declaring the office vacant.

Mr. Bennett offered amendments to section 1 as follows, viz:

1. Strike out "30," in line 12, and insert in lieu thereof "15."
2. Strike out the word "entry" in line 31, and insert in lieu thereof the words "entries at the same time;" also add the following words after the figures "30," "or 2 cents for every 20 words, or fraction thereof."
3. Strike out the whole of line 34 and insert in lieu thereof the following words: "For cross-indexing suits in the circuit courts as required by law, 30 cents, to be charged to the plaintiff and defendant in each suit, to be charged but once to each side without regard to the number of plaintiffs or defendants to the suit."

Said three amendments were severally disagreed to.

Mr. Hanks offered an amendment to section 1, as follows, viz:

Amend by striking out "50," in line 35, and inserting in lieu thereof "35."

Which was disagreed to.

Mr. Cansler offered an amendment to section 3, as follows, viz:

Insert in line 59, after the word "courts," and before the word "a," the following, "quarterly courts and fiscal courts."

Which was disagreed to.

Mr. Ball offered an amendment to section 3 as follows, viz :

Strike out line 20 and insert in lieu thereof these words :
"When an attachment is levied by the sheriff on any property, and the property be sold or a forthcoming bond be given and not complied with, the sheriff shall be entitled to six per cent. on the first three hundred dollars, and three per cent. on the residue. When an attachment is levied and the debt is paid or the writ stayed by appeal or other legal proceeding, or by order of the plaintiff, the officer shall be entitled to one-half of the above commissions to be charged to the plaintiff and collected as cost in the case. But this section shall not be construed as to prevent the judge of the court from allowing the officer compensation for removing and taking care of attached property."

Which was disagreed to.

Mr. Hanks offered an amendment to section 3 as follows :

Strike out "shall," in line 22, and insert "may."

Which was disagreed to.

Mr. Gardner offered the following resolution, viz :

WHEREAS, This House has heard with profound regret of the death of Hon. David Meriwether, who was for many years a member of this House, and twice Speaker thereof, as well as having served his State in the Senate of the United States, and in many other honorable positions during his long and useful life ; therefore, be it

Resolved, That this House adjourn as a mark of respect to his memory.

Which was unanimously adopted.

And then the House adjourned.

THURSDAY, APRIL 6, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. M. Frazee,	W. H. May,
Lewis Alexander, Sr.,	Wm. Garrison,	Hiram McElroy
W. W. Ayres,	S. M. Gough,	Eli Nicholls,
W. S. Bailey,	Thos. H. Hanks,	W. F. Peak,
John T. Bashaw,	U. G. Harlow,	Thos. S. Pettit,
W. P. Beard,	A. L. Harned,	Granville Philpot,
B. T. Birkhead,	H. K. Hay,	J. F. Porter,
John Botts,	P. R. Hays,	E. M. Pryse,
P. S. Bruner,	B. B. Hensley,	C. D. Reed,
Polk Cansler,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	Berry Howard,	S. H. Shouse,
W. J. Cox,	Daniel James,	W. W. Stephenson,
J. M. Dawson, Jr.,	J. S. Joplin,	J. R. Summers,
E. M. Dickson,	R. M. Kincheloe,	Lewis E. Thomas,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley,
McD. Ferguson,	John M. Letterle,	N. S. Walton,
John Finn,	H. P. Lively,	John D. Woods—53.
George Will. Follis,	C. W. Mathers,	

The following members were absent, viz :

T. J. Arnett,	J. C. Glenn,	I. M. Quigley,
Posey D. Ball,	Geo. T. Halbert,	R. E. Roberts,
John Bartman,	R. K. Hart,	John Ryan,
R. F. Bass,	F. W. Hutcheson,	Waller Sharp,
B. F. Bennett,	W. W. Johnson,	Fenton Sims,
A. J. Carroll,	T. S. Kirk,	C. C. Spalding,
A. H. Charlton,	Henry Kremer,	W. R. Stewart,
F. P. Combest,	William Krieger,	Samuel O. Tate,
R. F. Comer,	John S. May,	J. R. Thomas,
L. J. Cox,	M. D. McInerney,	D. W. Tribble,
Wesley Crow,	Harvey Myers,	J. H. Welch,
J. S. Cullen,	W. F. Neat,	H. P. Whitaker,
James R. Dean,	J. P. O'Meara,	B. F. Willett,
D. B. Edmiston,	John Lee Payne,	Geo. E. Willett,
Ben. F. Gardner,	J. A. Perkins,	R. B. Wilson—47.
J. P. Gay,	A. T. Pullen,	

The reading of the Journal of yesterday's proceedings was dispensed with, and the Journal approved.

Petitions were presented as follows :

By Mr. Ball—

Petition of sundry citizens of Henderson county, asking the adoption of the resolution authorizing encampment of State Guard at Chicago in 1893.

By Mr. Quigley—

Petition of sundry citizens of McCracken county, making same request.

Which were both received, and referred to the Committee on Military Affairs.

Mr. Mathers, from the Committee on Charitable Institutions, reported, without any expression of opinion, a bill, entitled

S. B. 74. An act in relation to charitable uses and religious societies.

Mr. O'Meara, from the Committee on Court of Appeals and Superior Court, reported a bill, entitled

S. B. 188. An act relating to, and providing for, a Court of Appeals.

Said two bills were severally read the first time at length, and ordered to be printed and read the second time on another day.

The House took up for consideration the unfinished business, viz : a bill, entitled

S. B. 103. An act relating to fees.

Mr. Sims offered an amendment to section 2, as follows, viz : Strike out all after the word "be" in line 4.

Which was agreed to.

The yeas and nays being required thereon by Messrs. McElroy and Sims, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	U. G. Harlow,	Thos. S. Pettit,
W. W. Ayres,	A. L. Harned,	J. F. Porter,
W. P. Beard,	H. K. Hay,	C. D. Reed,
B. T. Birkhead,	W. J. Hissem,	S. H. Shouse,
John Botts,	Daniel James,	Fenton Sims,
P. S. Bruner,	J. S. Joplin,	J. R. Summers,
J. M. Dawson, Jr.,	R. M. Kincheloe,	Lewis E. Thomas,
J. E. Durham,	H. P. Lively,	N. S. Walton,

John Finn,
Wm. Garrison,
S. M. Gough.
Thos. H. Hanks,

C. W. Mathers,
Hiram McElroy,
Eli Nicholls,
W. F. Peak,

B. F. Willett,
Geo. E. Willett,
John D. Woods—35.

Those who voted in the negative, were—

Lewis Alexander, Sr.,	McD. Ferguson,	J. P. O'Meara,
W. S. Bailey,	J. M. Frazee,	Granville Philpot,
John Bartman,	Ben. F. Gardner,	E. M. Pryse,
John T. Bashaw,	J. P. Gay,	I. M. Quigley,
Polk Cansler,	B. B. Hensley,	R. E. Roberts,
B. E. Caudill,	Henry Kremer,	D. H. Severs,
A. H. Charlton,	Lewis Y. Leavell,	W. W. Stephenson,
L. J. Cox,	John M. Letterle,	John M. Tinsley,
W. J. Cox,	W. H. May,	R. B. Wilson—27.

Mr. Edmiston offered an amendment to section 7 as follows,
viz :

Add to section 7 the following words: "For imprisoning and releasing a prisoner charged with a misdemeanor, sixty cents, to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for a violation of a statute where the city or town gets the benefit of the fine, in that case to be paid by such city or town."

Which was agreed to.

Mr. Peak offered an amendment to section 6 as follows, viz :
Strike out "ten," in line 1, and insert "eight."

Which was disagreed to.

The yeas and nays being demanded thereon by Messrs. Peak and Sims, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	J. M. Dawson, Jr.,	C. W. Mathers,
W. P. Beard,	J. E. Durham,	W. F. Peak,
B. T. Birkhead,	Daniel James,	Thos. S. Pettit,
John Botts,	J. S. Joplin,	J. F. Porter—14.
P. S. Bruner,	H. P. Lively,	

Those who voted in the negative, were—

Lewis Alexander, Sr.,	J. P. Gay,	E. M. Pryse,
W. S. Bailey,	S. M. Gough,	I. M. Quigley,
Polk Cansler,	Thos. H. Hanks,	C. D. Reed,
B. E. Caudill,	B. B. Hensley,	R. E. Roberts,

A. H. Charlton,	W. J. Hissem,	D. H. Severs,
L. J. Cox,	Berry Howard,	Fenton Sims,
W. J. Cox,	R. M. Kincheloe,	W. W. Stephenson,
E. M. Dickson,	Henry Kremer,	J. R. Summers,
McD. Ferguson,	Lewis Y. Leavell,	Lewis E. Thomas,
John Finn,	John M. Letterle,	John M. Tinsley,
George Will. Follis,	W. H. May,	N. S. Walton,
J. M. Frazee,	Hiram McElroy,	B. F. Willett,
Wm. Garrison,	J. P. O'Meara,	Geo. E. Willett,
Ben. F. Gardner,	Granville Philpot,	John D. Woods—42.

Mr. Follis offered an amendment to section 6 as follows :

Strike out the words "ten per cent. upon the first five thousand dollars and ;" also, strike out the words "upon the residue."

Which was disagreed to.

Mr. Walton offered an amendment to section 7 as follows :

Insert after the word "courts," in line 2, the words "as janitor of the court."

Which was agreed to.

Mr. McElroy offered an amendment to section 8 as follows, viz :

Add after line 49 : "A justice of the peace shall receive the same fees allowed a coroner for holding an inquest, \$6."

Which was agreed to.

Mr. Hensley offered an amendment to section 8 as follows, viz :

Insert after line 3 : "For each copy thereof, fifteen cents."

Which was agreed to.

Mr. Peak offered an amendment to section 39 as follows, viz :

Strike out "five" and insert "four" in line 2.

Which was disagreed to.

Mr. Follis offered the following amendments to section 21, viz :

Strike out "one dollar" in line 31, and insert "one dollar and fifty cents."

Also, strike out "per day" after the word "line," in line 6.

Which were severally disagreed to.

Mr. McElroy moved that when the House adjourn, it be to meet at 3 o'clock P. M.

Which was adopted.

And, at 1 o'clock, the House adjourned till 3 o'clock P. M.

AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 216. An act for the government of cities of the first class,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

And then the House adjourned.

FRIDAY, APRIL 7, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. (Speaker Moore),	Wm. Garrison,	H. P. Lively,
Lewis Alexander, Sr.,	J. C. Glenn,	W. H. May,
W. W. Ayres,	S. M. Gough,	Hiram McElroy,
W. S. Bailey,	Geo. T. Halbert,	Eli Nicholls,
W. P. Beard,	Thos. H. Hanks,	W. F. Peak,
John Botts,	U. G. Harlow,	Thos. S. Pettit,
P. S. Bruner,	A. L. Harned,	Granville Philpot,

Polk Cansler,	H. K. Hay,	J. F. Porter,
B. E. Caudill,	P. R. Hays,	E. M. Pryse,
A. H. Charlton,	B. B. Hensley,	C. D. Reed,
L. J. Cox,	W. J. Hissem,	D. H. Severs,
W. J. Cox,	Berry Howard,	S. H. Shouse,
J. S. Cullen,	F. W. Hutcheson,	C. C. Spalding,
J. M. Dawson, Jr.,	Daniel James,	J. R. Summers,
E. M. Dickson,	J. S. Joplin,	J. R. Thomas,
J. E. Durham,	R. M. Kincheloe	John M. Tinsley,
McD. Ferguson,	Henry Kremer,	D. W. Tribble,
John Finn,	Lewis Y. Leavell,	Geo. E. Willett,
J. M. Frazee,	John M. Letterle,	John D. Woods--57.

The following members were absent, viz :

T. J. Arnett,	J. P. Gay,	I. M. Quigley,
Posey D. Ball,	R. K. Hart,	R. E. Roberts,
John Bartman,	W. W. Johnson,	John Ryan,
John T. Bashaw,	T. S. Kirk,	Waller Sharp,
R. F. Bass,	William Krieger,	Fenton Sims,
B. F. Bennett,	C. W. Mathers,	W. W. Stephenson,
B. T. Birkhead,	John S. May,	W. R. Stewart
A. J. Carroll,	M. D. McInerney,	Samuel O. Tate,
F. P. Combest,	Harvey Myers,	Lewis E. Thomas,
R. F. Comer,	W. F. Neat,	N. S. Walton,
Wesley Crow,	J. P. O'Meara,	J. H. Welch,
James R. Dean,	John Lee Payne,	H. P. Whitaker,
D. B. Edmiston,	J. A. Perkins,	B. F. Willett,
George Will. Follis,	A. T. Pullen,	R. B. Wilson--43.
Ben. F. Gardner,		

The reading of the Journal of yesterday's proceedings was dispensed with, and said Journal was approved.

Mr. Charlton offered the following resolution, viz :

Resolved, That the Public Printer be, and he is hereby, directed to prepare, in pamphlet form, for the use of the members of this House, five thousand copies of the act for the creation and regulation of private corporations, and deliver to each member of this House fifty copies of said publication.

Which was referred to the Committee on Printing and Accounts.

Upon the call of the counties, bills were introduced as follows, viz :

Mr. Woods, from the Committee on Rules, reported a resolution, entitled

S. R. 55. Resolution providing for *sine die* adjournment of the General Assembly on 11th day of May, 1893.

Mr. Pettit moved that said resolution be recommitted to said Committee.

Said motion was agreed to.

Bills of the following titles were reported by the several committees, viz :

By Mr. Sims, from the Committee on the Judiciary—

S. B. 232. An act creating and establishing the office of Trustee of the Jury Fund, and prescribing the duties and powers pertaining thereto.

By Mr. Frazee, from the Committee on Revenue and Taxation—

S. B. 235. An act to prevent unjust and oppressive taxation for turnpike road purposes.

Said bills were severally read the first time at length, and ordered to be printed and read the second time on another day.

By Mr. Sims, from the Committee on Judiciary—

H. B. 499. An act relating to public landings or wharves in this Commonwealth.

Which was read the first time at length, and ordered to be printed and recommitted to said committee.

The House took up for consideration the unfinished business of yesterday, viz :

S. B. 103. An act relating to fees.

Mr. Ferguson offered an amendment to section 19 as follows, viz :

Strike out all of section 19 down to line 11.

Which was agreed to.

The yeas and nays being required thereon by Messrs. Ferguson and Severs, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	Granville Philpot,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
John Botts,	B. B. Hensley,	C. D. Reed,
P. S. Bruner,	F. W. Hutcheson,	D. H. Severs,
B. E. Caudill,	J. S. Joplin,	J. R. Summers,

J. S. Cullen,	R. M. Kincheloe,	Lewis E. Thomas,
J. M. Dawson, Jr.,	H. P. Lively,	J. R. Thomas,
J. E. Durham,	C. W. Mathers,	John M. Tinsley,
McD. Ferguson,	Hiram McElroy,	Geo. E. Willett—37.
John Finn,		

Those who voted in the negative, were—

Lewis Alexander, Sr.,	Thos. H. Hanks,	M. D. McInerney,
Polk Cansler,	H. K. Hay,	J. P. O'Meara,
A. H. Charlton,	W. J. Hissem,	I. M. Quigley,
W. J. Cox,	Daniel James,	S. H. Shouse,
J. M. Frazee,	Lewis Y. Leavell,	C. C. Spalding,
Ben. F. Gardner,	John M. Letterle,	R. B. Wilson,
Geo. T. Halbert,	W. H. May,	John D. Woods—21.

Mr. Hay offered an amendment to section six as follows, viz :

Amend section 6, line 1, by striking out all after the word "revenue" down to the word "provided," in line 2, and inserting the following: "Shall be paid a per cent. not greater than that paid by the State for collecting the State revenue, which per cent. shall be fixed by the fiscal court of the county."

Which was agreed to.

Mr. Botts offered an amendment to section 38 as follows, viz :

Insert after "county court," in line 1, the words "commissioners, receivers, examiners."

Which was agreed to.

Mr. Pettit offered an amendment to section 23 as follows, viz :

Strike out "fifty" in line 6, and insert "twenty."

Which was agreed to.

Mr. Halbert offered an amendment as follows, viz :

Amend section 19 by striking out the words "not exceed for each person represented," in line 17, and insert "be."

Which was agreed to.

Mr. Botts offered an amendment to section 53 as follows, viz :

Insert after "circuit clerk" the words "commissioner, receiver, examiner."

Which was agreed to.

Mr. Bennett offered an amendment to section 32 as follows, viz :

Insert in line 4, between "collect" and "his," the words "a fee for services not actually rendered or collected."

Which was agreed to.

Mr. Pettit offered an amendment to section 55 as follows, viz :

Strike out the word "section," in line 1, and insert in lieu thereof "sections of this article."

Which was agreed to.

Mr. Halbert offered amendments to section 1 as follows, viz :

1. Add, after line 31, the words "and if the order be written, it shall be entered and charged for as but one order."

2. Add after the word "entering," in line 34, and before judgment, the words "an ordinary," and strike out "a."

3. Strike out all of line 33.

Which several amendments were agreed to.

Mr. Will J. Cox offered an amendment to section 18 as follows, viz :

Add thereto the following: "When the examiner goes from his office to take depositions, he shall be allowed ten cents per mile to defray his traveling expenses."

Which was disagreed to.

Mr. Gardner offered an amendment to section 25 as follows, viz :

Strike out all after "salary," in line 15, and insert in lieu thereof the following: "But said Secretary shall, within the first ten days of each month, report to the Auditor and Treasurer any and all sums charged, received or collected by him or his assistant, for services by virtue of the foregoing provisions or any other laws authorizing the secretary to charge persons for particular services rendered in his said office: *Provided*, That all fees, charged and collected under this article shall be for the benefit of, and go to the officers now entitled thereto, until the first Monday in January, 1896, from and after which date said fees shall go into the State Treasury as above provided."

Which was agreed to.

Mr. Pettit offered an amendment to said bill by way of an additional section thereto, as follows, viz :

§ —. The books mentioned in the preceding sections of this article, in which are required to be entered the fees and moneys earned or received by public officers shall be public records, and shall be open at all times to inspection by all parties; and the knowingly making of an untrue entry in such book, or the failure to enter therein any fees or money earned or received, shall be a misdemeanor punishable by fine of not less than five

hundred dollars for each offense ; and when any officer is convicted of such offense he shall forfeit his office, and the same shall be declared forfeited.

Which was agreed to.

Ordered, That said bill be read a third time.

Said bill was read a third time by its title, the constitutional provision as to the third reading of said bill at length being dispensed with,

And said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. C. Glenn,	W. H. May,
Lewis Alexander, Sr.,	S. M. Gough,	Hiram McElroy,
W. W. Ayres,	Geo. T. Halbert,	M. D. McInerney,
W. S. Bailey,	U. G. Harlow,	Eli Nicholls,
W. P. Beard,	A. L. Harned,	J. P. O'Meara,
B. T. Birkhead,	H. K. Hay,	Thos. S. Pettit,
John Botts,	P. R. Hays,	Granville Philpot,
P. S. Bruner,	B. B. Hensley,	J. F. Porter,
Polk Cansler,	W. J. Hissem,	E. M. Pryse,
B. E. Caudill,	Berry Howard,	C. D. Reed,
A. H. Charlton,	F. W. Hutcheson,	D. H. Severs,
L. J. Cox,	Daniel James,	S. H. Shouse,
J. S. Cullen,	J. S. Joplin,	C. C. Spalding,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
J. E. Durham,	Henry Kremer,	Lewis E. Thomas,
McD. Ferguson,	Lewis Y. Leavell,	J. R. Thomas,
John Finn,	John M. Letterle,	John M. Tinsley,
J. M. Frazee,	H. P. Lively,	Geo. E. Willett
Wm. Garrison,	C. W. Mathers,	John D. Woods—58.
Ben. F. Gardner,		

Those who voted in the negative, were—

Posey D. Ball,	Thos. H. Hanks,	R. E. Roberts,
W. J. Cox,	W. F. Peak,	Fenton Sims—7.
E. M. Dickson,		

Resolved, That the title thereof be as aforesaid.

A communication from the Governor was received in writing, as follows, viz :

COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT,
FRANKFORT, April 7, 1893. }

To the General Assembly :

The following joint resolution passed the General Assembly, and was approved March 23, 1893 :

Resolution authorizing the appointment of a commission to assist in locating the position of Kentucky troops at the battles of Chickamauga and Missionary Ridge, Tennessee.

Resolved by the General Assembly of the Commonwealth of Kentucky : That the Governor be requested to appoint ten commissioners from Kentucky, and survivors of the battles of Chickamauga and Missionary Ridge, to act with and aid the National authorities in laying out the National Park at Chattanooga, which is to embrace the battles mentioned, and marking therein important points of interest to the different commands of Kentucky soldiers of both armies. As the National Commission will act before this could otherwise become of force, an emergency is declared to exist, and this shall take effect whenever approved by the Governor.

In obedience to this request, I have the honor to inform you that I have appointed, for the purpose specified, the following gentlemen :

Confederates—Capt. W. H. May, Forrestry Cavalry, Lexington ; Hon. A. T. Pullen, Second Kentucky Infantry, Mayfield ; Capt. Jno. H. Weller, Fourth Kentucky Infantry, Louisville ; Capt. W. W. Herr, Owensboro ; Col. Jno. W. Caldwell, Ninth Kentucky Infantry, Russellville.

Federals—Col. R. M. Kelley, Louisville ; Maj. John W. Robbins, Augusta ; Capt. John W. Tuttle, Monticello ; Capt. Sam. K. Cox, Hartford ; Maj. Jno. S. Clark, Lexington.

Respectfully,

JOHN YOUNG BROWN.

The House took from the orders of the day a bill, entitled

H. B. 473. An act to provide for bringing suits against the Commonwealth of Kentucky, and prescribing in what court same shall be brought.

Pending the consideration of which,

Mr. Stephenson moved that when the House adjourn at one o'clock, it be to meet at 3 P. M. to-day.

Which was agreed to.

At one o'clock the House adjourned till 3 o'clock P. M.

AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 241. An act to protect citizens of this Commonwealth from empiricism ;

H. B. 227. An act to amend section 203 of the Criminal Code of Practice ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

And then the House adjourned.

SATURDAY, APRIL 8, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore), J. M. Frazee,
Lewis Alexander, Sr., Wm. Garrison,
W. W. Ayres, J. C. Glenn,
W. S. Bailey, S. M. Gough,

Hiram McElroy,
Eli Nicholls,
W. F. Peak,
Thos. S. Pettit,

John T. Bashaw,	Geo. T. Halbert,	Granville Philpot,
W. P. Beard,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	C. D. Reed,
John Botts,	H. K. Hay,	D. H. Severs,
P. S. Bruner,	W. J. Hissem,	S. H. Shouse,
Polk Causler,	Berry Howard,	C. C. Spalding,
B. E. Caudill,	F. W. Hutcheson,	W. W. Stephenson,
L. J. Cox,	Daniel James,	J. R. Summers,
J. S. Cullen,	J. S. Joplin,	Lewis E. Thomas,
J. M. Dawson, Jr.,	T. S. Kirk,	J. R. Thomas,
E. M. Dickson,	Lewis Y. Leavell,	John M. Tinsley,
J. E. Durham,	H. P. Lively,	D. W. Tribble,
McD. Ferguson,	C. W. Mathers,	Geo. E. Willett—52.
John Finn,		

The following members were absent, viz :

T. J. Arnett,	A. L. Harned,	J. A. Perkins,
Posey D. Ball,	R. K. Hart,	E. M. Pryse,
John Bartman,	P. R. Hays,	A. T. Pullen,
R. F. Bass,	B. B. Hensley,	I. M. Quigley,
B. F. Bennett,	W. W. Johnson,	R. E. Roberts,
A. J. Carroll,	R. M. Kincheloe,	John Ryan,
A. H. Charlton,	Henry Kremer,	Waller Sharp,
F. P. Combest,	William Krieger,	Fenton Sims,
R. F. Comer,	John M. Letterle,	W. R. Stewart,
W. J. Cox,	W. H. May,	Samuel O. Tate,
Wesley Crow,	John S. May,	N. S. Walton,
James R. Dean,	M. D. McInerney,	J. H. Welch,
D. B. Edmiston,	Harvey Myers,	H. P. Whitaker,
George Will. Follis,	W. F. Neat,	B. F. Willett,
Ben. F. Gardner,	J. P. O'Meara,	R. B. Wilson,
J. P. Gay,	John Lee Payne,	John D. Woods—48.

The reading of the Journal of yesterday's proceedings was dispensed with, and the Journal was approved.

Leave of absence, indefinitely, was granted Messrs. Kincheloe and Pryse.

Mr. Causler presented the petition of sundry citizens of Christian county, asking the adoption of the resolution providing for encampment of State Guard at Chicago in 1893.

Which was received and referred to the Committee on Military Affairs.

A message was received from the Senate, announcing that they had passed

H. B. 294. An act to amend section 1 of an act, entitled "An

act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State.”

Mr. J. R. Thomas, from the Committee on Legislative Districts, to which the same had been recommitted, reported a bill, entitled

S. B. 198. An act to divide the State into one hundred Representative Districts.

Said bill was read the second time.

Mr. Halbert offered an amendment to said bill by way of substitute therefor.

Ordered, That said substitute be printed.

Mr. Bailey moved that said bill and substitute be made the special order for Wednesday, 19th inst.

Said motion was agreed to.

The House took up for consideration the unfinished business of yesterday, viz: a bill, entitled

H. B. 473. An act to provide for bringing suits against the Commonwealth of Kentucky, and prescribing in what court same shall be brought.

The amendment heretofore offered to said bill by Mr. Woods was disagreed to.

Mr. Halbert moved that said bill be made the special order for Tuesday, 18th inst.

Said motion was disagreed to.

Mr. Bashaw moved that said bill be made the special order for Friday, the 14th inst.

Said motion was disagreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. Suits against the Commonwealth of Kentucky may be brought in the Franklin Circuit Court, as hereinafter provided, which court shall have exclusive jurisdiction of such action.

§ 2. Any citizen of this Commonwealth, or company or corporation organized thereunder, having a claim or demand against the State, may institute suit for the collection and enforcement of the same against the Commonwealth of Kentucky, and recover as in other civil actions, if such suit is decided against the Commonwealth.

§ 3. That the summons issued in such suits shall be served on the Attorney-General, and, upon his motion, the plaintiff shall be required to give good and sufficient bond for the costs incurred in such suit, payable to the Commonwealth of Kentucky, to be approved by the clerk of the court. Upon failure of plaintiff to execute such bond, when required, within a reasonable time, such action shall be dismissed. It shall be the duty of the Attorney-General to represent the Commonwealth in all such cases.

§ 4. If the judgment be in favor of the plaintiff, and the Attorney-General, of record, declines to take an appeal, or if an appeal be taken and the judgment be affirmed, the Auditor shall draw his warrant upon the Treasurer in favor of the plaintiff for the amount of the judgment and costs, and the Treasurer shall pay the same out of any funds of the State not otherwise appropriated.

Said bill was placed upon its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

In the affirmative—John T. Bashaw.

Those who voted in the negative, were—

Mr. (Speaker Moore),	J. C. Glenn,	Thos. S. Pettit,
Lewis Alexander, Sr.,	S. M. Gough,	Granville Philpot,
W. W. Ayres,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	C. D. Reed,
B. T. Birkhead,	H. K. Hay,	D. H. Severs,
John Botts,	Daniel James,	S. H. Shouse,
P. S. Bruner,	J. S. Joplin,	C. C. Spalding,
B. E. Caudill,	Lewis Y. Leavell,	J. R. Summers,
J. S. Cullen,	H. P. Lively,	Lewis E. Thomas,
J. M. Dawson, Jr.,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	Hiram McElroy,	John M. Tinsley,
McD. Ferguson,	Eli Nicholls,	B. F. Willett,
John Finn,	J. P. O'Meara,	Geo. E. Willett—41.
Wm. Garrison,	W. F. Peak,	

No quorum being present,

Mr. L. E. Thomas moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and Garrison, were as follows, viz :

Those who voted in the affirmative, were—

B. E. Caudill,	I. M. Quigley,	D. H. Severs—4.
John Finn,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. C. Glenn,	Thos. S. Pettit,
Lewis Alexander, Sr.,	S. M. Gough,	Granville Philpot,
W. W. Ayres,	Thos. H. Hanks,	J. F. Porter,
W. S. Bailey,	H. K. Hay,	C. D. Reed,
John T. Bashaw,	W. J. Hissem,	R. E. Roberts,
W. P. Beard,	F. W. Hutcheson,	S. H. Shouse,
B. T. Birkhead,	Daniel James,	C. C. Spalding,
John Botts,	J. S. Joplin,	W. W. Stephenson,
P. S. Bruner,	T. S. Kirk,	J. R. Summers,
Polk Cansler,	Lewis Y. Leavell,	Lewis E. Thomas,
J. S. Cullen,	H. P. Lively,	J. R. Thomas,
J. M. Dawson, Jr.,	C. W. Mathers,	John M. Tinsley,
J. E. Durham,	Hiram McElroy,	D. W. Tribble,
McD. Ferguson,	Eli Nicholls,	B. F. Willett,
J. M. Frazee,	J. P. O'Meara,	Geo. E. Willett—47.
Wm. Garrison.	W. F. Peak,	

Ordered, That the above-named pending bill be placed in the orders of the day.

The House took from the orders of the day

S. B. 229. An act appropriating four thousand dollars to rebuild the hospital at the Eddyville Penitentiary and to raise the ell another story.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the sum of four thousand dollars, or so much thereof as may be required for the purpose, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to rebuild the hospital of the Eddyville Branch Penitentiary, which was destroyed by fire on the 6th day of February, 1893, and to raise the ell another story. The Auditor is hereby authorized, on the order of the Chairman of the Sinking Fund Commissioners, to draw his warrant on the Treasurer for so much of the above sum as may be necessary for rebuilding the said hospital.

§ 2. Inasmuch as the proper and efficient management of the said penitentiary demands that the hospital be rebuilt as soon as possible, therefore an emergency is declared to exist, and this act shall take effect upon its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	Eli Nicholls,
Lewis Alexander, Sr.,	J. M. Frazee,	J. P. O'Meara,
W. W. Ayres,	Wm. Garrison,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Granville Philpot,
John T. Bashaw,	S. M. Gough,	J. F. Porter,
W. P. Beard,	Thos. H. Hanks,	I. M. Quigley,
B. T. Birkhead,	U. G. Harlow,	C. D. Reed,
John Botts,	H. K. Hay,	R. E. Roberts,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	C. C. Spalding,
L. J. Cox,	J. S. Joplin,	W. W. Stephenson,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
E. M. Dickson,	H. P. Lively,	D. W. Tribble,
J. E. Durham,	C. W. Mathers,	B. F. Willett,
McD. Ferguson,	Hiram McElroy,	Geo. E. Willett—51.

In the negative—none.

Resolved, That the title thereof be as aforesaid.

The House took from the orders of the day

S. B. 182. An act relating to husband and wife, and entitled
“Husband and Wife.”

Mr. Roberts moved that said bill be made the special order
for Tuesday, the 18th inst.

Said motion was agreed to.

At 12 o'clock M. Mr. Bailey moved that the House do now
adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, APRIL 10, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	John Finn,	H. P. Lively,
Lewis Alexander, Sr.,	Wm. Garrison,	Hiram McElroy,
W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
Posey D. Ball,	S. M. Gough,	J. P. O'Meara,
John T. Bashaw,	Geo. T. Halbert,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	Granville Philpot,
B. T. Birkhead,	H. K. Hay,	J. F. Porter,
P. S. Bruner,	P. R. Hays,	C. D. Reed,
Polk Cansler,	W. J. Hissem,	John Ryan,
B. E. Caudill,	Berry Howard,	D. H. Severs,
R. F. Comer,	F. W. Hutcheson,	Lewis E. Thomas,
L. J. Cox,	Daniel James,	J. R. Thomas,
J. S. Cullen,	W. W. Johnson,	John M. Tinsley,
J. M. Dawson, Jr.,	T. S. Kirk,	D. W. Tribble,
E. M. Dickson,	Henry Kremer,	B. F. Willett,
McD. Ferguson,	Lewis Y. Leavell,	Geo. E. Willett—48.

The following members were absent :

T. J. Arnett,	Thos. H. Hanks,	E. M. Pryse,
W. S. Bailey,	A. L. Harned,	A. T. Pullen,
John Bartman,	R. K. Hart,	I. M. Quigley,
R. F. Bass,	B. B. Hensley,	R. E. Roberts,
B. F. Bennett,	J. S. Joplin,	Waller Sharp,
John Botts,	R. M. Kincheloe,	S. H. Shouse,
A. J. Carroll,	William Krieger,	Fenton Sims,
A. H. Charlton,	John M. Letterle,	C. C. Spalding,
F. P. Combest,	C. W. Mathers,	W. W. Stephenson,
W. J. Cox,	W. H. May,	W. R. Stewart,
Wesley Crow,	John S. May,	J. R. Summers,
James R. Dean,	M. D. McInerney,	Samuel O. Tate,
J. E. Durham,	Harvey Myers,	N. S. Walton,
D. B. Edmiston,	W. F. Neat,	J. H. Welch,
Geo. Will. Follis,	John Lee Payne,	H. P. Whitaker,
J. M. Frazee,	W. F. Peak,	R. B. Wilson,
Ben. F. Gardner,	J. A. Perkins,	John D. Woods—52.
J. P. Gay,		

Mr. Dickson moved a call of the House.

Said motion was adopted.

Upon a call of the roll, the following members were present, viz :

Mr. (Speaker Moore),	Wm. Garrison,	H. P. Lively,
Lewis Alexander, Sr.,	J. C. Glenn,	Hiram McElroy,
W. W. Ayres,	S. M. Gough,	Eli Nicholls,
Posey D. Ball,	Geo. T. Halbert,	J. P. O'Meara,
John T. Bashaw,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	Granville Philpot,
B. T. Birkhead,	H. K. Hay,	J. F. Porter,
P. S. Bruner,	P. R. Hays,	I. M. Quigley,
Polk Cansler,	W. J. Hissem,	C. D. Reed,
B. E. Caudill,	Berry Howard,	John Ryan,
R. F. Comer,	F. W. Hutcheson,	D. H. Severs,
L. J. Cox,	Daniel James,	Lewis E. Thomas,
J. S. Cullen,	W. W. Johnson,	J. R. Thomas,
J. M. Dawson, Jr.,	J. S. Joplin,	John M. Tinsley,
E. M. Dickson,	T. S. Kirk,	D. W. Tribble,
McD. Ferguson,	Henry Kremer,	B. F. Willett,
John Finn,	Lewis Y. Leavell,	Geo. E. Willett—51.

Mr. Dickson moved to dispense with further proceedings under the call.

Said motion was adopted.

The Journal of Saturday was approved.

Mr. Halbert presented a petition of sundry citizens of Lewis county, protesting against Senate bill 224, placing Lewis county in the Thirty-fifth Senatorial District.

Said petition was received, its reading dispensed with, and referred to Committee on Legislative Districts.

Leave of absence, indefinitely, was granted Mr. Durham.

A message was received from the Senate announcing that they had passed bills, which originated in the House, of the following titles, viz :

H. B. 392. An act to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor, November 19, 1892.

H. B. 456. An act relating to State penitentiaries.

With amendments proposed to said bills by the Senate.

Ordered, That said amendments be printed.

The Enrolling Clerk reported that he had presented to the Senate enrolled bills, which originated in the House, of the following titles, viz :

H. B. 227. An act to amend section 203 of the Criminal Code of Practice.

H. B. 241. An act to protect citizens of this Commonwealth from empiricism.

That the same had been read and compared, found correctly enrolled, and had been signed by the presiding officer of the Senate.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. Pettit moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

TUESDAY, APRIL 11, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	J. P. Gay,	W. H. May,
Lewis Alexander, Sr.,	J. C. Glenn,	Eli Nicholls,
W. W. Ayres,	S. M. Gough,	J. P. O'Meara,
W. P. Beard,	Geo. T. Halbert,	J. F. Porter,
B. F. Bennett,	Thos. H. Hanks,	C. D. Reed,
B. T. Birkhead,	U. G. Harlow,	John Ryan,
John Botts,	H. K. Hay,	D. H. Severs,
P. S. Bruner,	P. R. Hays,	S. H. Shouse,
Polk Cansler,	B. B. Hensley,	W. R. Stewart,
F. P. Combest,	W. J. Hissem,	J. R. Summers,
R. F. Comer,	Daniel James,	Lewis E. Thomas,
L. J. Cox,	W. W. Johnson,	J. R. Thomas,
J. S. Cullen,	R. M. Kincheloe,	John M. Tinsley,
J. M. Dawson, Jr.,	T. S. Kirk,	D. W. Tribble,
McD. Ferguson,	Lewis Y. Leavell,	J. H. Welch,
John Finn,	H. P. Lively,	Geo. E. Willett—50.
Wm. Garrison,	C. W. Mathers,	

The following members were absent, viz :

T. J. Arnett,	Ben. F. Gardner,	Thos. S. Pettit,
W. S. Bailey,	A. L. Harned,	Granville Philpot,
Posey D. Ball,	R. K. Hart,	E. M. Pryse,
John Bartman,	Berry Howard,	A. T. Pullen,
John T. Bashaw,	F. W. Hutcheson,	I. M. Quigley,
R. F. Bass,	J. S. Joplin,	R. E. Roberts,
A. J. Carroll,	Henry Kremer,	Waller Sharp,
B. E. Caudill,	William Krieger,	Fenton Sims,
A. H. Charlton,	John M. Letterle,	C. C. Spalding,
Will J. Cox,	John S. May,	W. W. Stephenson,
Wesley Crow,	Hiram McElroy,	Samuel O. Tate,
James R. Dean,	M. D. McInerney,	N. S. Walton,
E. M. Dickson,	Harvey Myers,	H. P. Whitaker,
J. E. Durham,	Neat, W. F.	B. F. Willett,
D. B. Edmiston,	John Lee Payne,	R. B. Wilson,
George Will. Follis,	W. F. Peak,	John D. Woods—50.
J. M. Frazee,	J. A. Perkins,	

The Speaker directed the Clerk to enter upon the Journal the fact that Mr. Bartman was present in the House, and refused to answer to his name.

The Journal of yesterday was approved.

Leave of absence, indefinitely, was granted to Mr. Philpot.

A message was received by Edward O. Leigh, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the House, of the following titles, viz :

H. B. 461. An act concerning the Secretary of State.

H. B. 422. An act permitting the court of claims or fiscal court of this Commonwealth to appropriate certain funds belonging to the counties, or districts thereof, in aid of the construction or repair of turnpikes in said counties.

H. B. 469. An act concerning the seal of the Commonwealth and the seal of the Secretary of State.

H. B. 454. An act requiring districts and trustees of incorporated burying-grounds and cemeteries to make a written report of financial condition to stockholders, and imposing penalties for failure to do so.

H. B. 411. An act concerning gaming.

H. B. 227. An act to amend section two hundred and there (203) of the Criminal Code of Practice.

H. B. 241. An act to protect citizens of this Commonwealth from empiricism.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz :

S. B. 160. An act relating to crimes and punishments.

S. B. 184. An act relating to circuit court judges in counties having a population of not less than fifty thousand and not more than seventy-five thousand inhabitants.

S. B. 196. An act to protect game and small birds in this Commonwealth.

S. B. 205. An act concerning jailers.

Upon a call of the counties, bills were introduced as follows, viz :

By Mr. Bennett—

H. B. 509. A bill to levy and collect a tax on dogs, to encourage wool-growing, to suppress the spread of hydrophobia in this Commonwealth,

Which was referred to the Committee on Agriculture and Manufactures.

H. B. 510. A bill to amend an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity, to create a sinking fund for that purpose, to provide for commissioners of the sinking fund and collectors of taxes levied, and to prescribe the duties and powers of said officers.'"

Which was referred to the Committee on County and City Courts.

The House took from the orders of the day bills, entitled

S. B. 74. An act in relation to charitable uses and religious societies.

S. B. 188. An act relating to and providing for a Court of Appeals.

S. B. 235. An act to prevent unjust and oppressive taxation for turnpike road purposes.

Said bills were severally read the second time.

S. B. 227. An act relating to notaries public.

Said bill reads as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The Governor shall nominate, and by and with the consent of the Senate appoint, as many notaries public as to him may seem necessary, who shall hold their respective offices for a term of four years.

1. He shall fill vacancies in that office occurring in the recess of the Senate, which appointment shall expire at the end of the next session of the Senate.

2. The commission of the Governor, on making the appointment, must designate the limits within which the notary is to act.

3. Before a notary acts, he must take an oath in the county court of his county that he will honestly and diligently discharge the duties of his station.

4. He must also, in the same court, give an obligation, with good surety, for the proper discharge of the duties of his office.

5. Every certificate of a notary public must state the date of the expiration of his commission.

§ 2. All instruments of writing to which, by law, the signature or seal of a notary is required and is placed, shall be received as evidence without any other or further authentication.

§ 3. It shall be the duty of the notaries public of this Commonwealth to record in a well bound and properly indexed book, kept by them for that purpose, all protests by them made for the non-acceptance or non-payment of all bills of exchange, checks or promissory notes, placed on the footings of the bills of exchange, and on which a protest is now required by law, or of the dishonor of which such protests are now evidence by law ; and a copy of such protest, certified by the said notary public under his notarial seal, shall be *prima facie* evidence in all the courts of this Commonwealth.

§ 4. Upon the resignation of such notary public, or the expiration of his term of office, and he is not reappointed, it shall be his duty to place such book in the office of the clerk of the county court in and for the county in which said notary was appointed, and when the notary shall die, his representative shall deposit the said book with the clerk aforesaid, and thereafter a copy of such record, certified by the clerk, shall be evidence in all the courts of this Commonwealth.

§ 5. It shall hereafter be the duty of notaries public, upon protesting any of the instruments mentioned in the third section of this act, to give or send notice of the dishonor of such paper to such of the parties thereto as are required by law to be notified, to fix their liability on such paper, and when residence of the parties is unknown to the notaries public ; and he shall send the notices to the holders of such paper, and he shall state in his protest the names of the parties to whom he sent or gave such notices, and the time and manner of giving the same, and such statement in such protest shall be *prima facie* evidence

that such notices were sent or given as therein stated by such notary.

§ 6. When any bill of exchange or commercial paper has heretofore or shall hereafter be protested in any other State of these United States in which the same is made payable by the laws of said State, the notaries public or other officers legally authorized to protest the same is required to give or send notice of the dishonor thereof to the parties, or when his certificate, or a copy thereof, that such notice or notices were sent in evidence thereof in the courts of such State, the same shall be received as evidence in all the courts of this Commonwealth, in all action of such bills of exchange, and have the same effect as evidence as is given to such evidence in the courts of such State.

§ 7. For recording each protest, as is required by the third section of this act, the notaries public shall be allowed, in addition to his present fees, the sum of seventy-five cents, but shall forfeit all his fees by failing to record his protest as required by the third section of this act; and also be fined for such failure the sum of \$5, to be recovered by warrant in the name of the Commonwealth, before any justice of the peace of the county where such failure occurs.

Mr. Halbert offered an amendment to said bill as follows, viz :

Amend section 7 by striking out the words "in addition to his present fees," in lines two and three, and by adding after the words "seventy-five cents" the words "as now allowed by law."

Which was agreed to.

Said bill, as amended, was read the third time and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	C. W. Mathers,
Lewis Alexander, Sr.,	J. C. Glenn,	W. H. May,
W. W. Ayres,	S. M. Gough,	Hiram McElroy,
W. P. Beard,	Geo. T. Halbert,	J. P. O'Meara,
B. F. Bennett,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	I. M. Quigley,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	D. H. Severs,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	W. J. Hissem,	W. R. Stewart,
F. P. Combest,	F. W. Hutcheson,	J. R. Summers,
R. F. Comer,	Daniel James,	Lewis E. Thomas,
L. J. Cox,	W. W. Johnson,	J. R. Thomas,
J. S. Cullen,	R. M. Kincheloe,	John M. Tinsley,

J. M. Dawson, Jr.,	T. S. Kirk,	D. W. Tribble,
McD. Ferguson,	Lewis Y. Leavell,	J. H. Welch,
John Finn,	H. P. Lively,	Geo. E. Willett—52.
Wm. Garrison,		

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 161. An act concerning the State Board of Health ;

H. B. 463. An act concerning conveyances ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

The House took from the orders of the day H. B. 492, entitled

A bill to repeal an act, entitled "An act to amend the charter of the Covington and DeCoursey Creek Turnpike Road Company," approved February 28, 1865.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That an act, entitled "An act to amend the charter of the Covington and DeCoursey Creek Turnpike Road Company," approved February 28, 1865, be, and the same is hereby, repealed.

§ 2. Because the operation of the act hereby repealed is unjust and oppressive, an emergency exists that this act should go into effect as soon as may be, which emergency is hereby declared ; therefore, this act shall be in effect as soon as approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore), J. C. Glenn,	W. H. May,
Lewis Alexander, Sr., S. M. Gough,	Hiram McElroy,

W. W. Ayres,	Geo. T. Halbert,	Eli Nicholls,
John Bartman,	Thos. H. Hanks,	J. P. O'Meara,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. F. Bennett,	A. L. Harned,	I. M. Quigley,
B. T. Birkhead,	H. K. Hay,	C. D. Reed,
John Botts,	P. R. Hays,	John Ryan,
P. S. Bruner,	B. B. Hensley,	D. H. Severs,
Polk Cansler,	W. J. Hissem,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	W. R. Stewart,
F. P. Combest,	Daniel James,	J. R. Summers,
R. F. Comer,	W. W. Johnson,	Lewis E. Thomas,
L. J. Cox,	R. M. Kincheloe,	J. R. Thomas,
J. S. Cullen,	T. S. Kirk,	John M. Tinsley,
McD. Ferguson,	Lewis Y. Leavell,	D. W. Tribble,
John Finn,	H. P. Lively,	J. H. Welch,
Wm. Garrison,	C. W. Mathers,	Geo. E. Willett—55.
J. P. Gay,		

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Also, S. B. 214. An act concerning office and officer.

Said bill reads as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. No office or post of profit, trust or honor, under this Commonwealth, whether civil or military, legislative, executive, ministerial or judicial, nor the deputation thereof, in whole or in part, shall be sold or let to farm by any person holding or expecting to hold the same. Such person so selling or letting, and the person so buying or receiving the letting, or with whose knowledge the same has been bought for him by another, shall be disqualified from holding such office or post, or the deputation thereof, and, upon conviction, shall be expelled therefrom.

§ 2. Except as to bonds of indemnity from a deputy and his sureties given to a chief officer, every contract or security made or obtained in violation of the preceding section shall be void.

§ 3. If any officer or deputy holding any office or post mentioned in the first section of this chapter shall be convicted of bribery, forgery, perjury or any felony, by a court of record in or out of this State, his office or post shall be vacated by such conviction, and though a pardon should be afterwards granted to him, it shall not avoid the forfeiture.

§ 4. All judgments rendered or acts done by such person, by authority or color of his office, before his removal or such conviction, shall be valid.

§ 5. The acceptance by one in office of another office, or employments incompatible with the one he holds, shall operate to vacate the first.

§ 6. A person holding an office, post or employment under this State or the United States, which is incompatible with a seat in the Legislature, shall not be voted for as Senator or Representative until he has resigned his office, post or employment, nor until a duplicate of his resignation has been filed in the clerk's office of the court of the county in which he resides; and all votes given for him before such resignation is so filed shall be void.

§ 7. The offices of justice of the peace, county judge, surveyor, sheriff, deputy sheriff, coroner, constable, jailer, assessor, marshal of a town, and clerk or deputy clerk of a court, shall be deemed incompatible, the one with either of the others; and the office of county judge and school superintendent are incompatible. Nor shall any person, at the same time, be a State officer or a deputy officer, or member of the General Assembly, and an officer of any county, city, town or other municipality, or an employe thereof, and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities, nor shall any person at the same time fill a municipal office and a county office.

§ 8. Any officer of the Commonwealth, or of any county, city or town or district, or member or officer of the General Assembly, who shall receive, directly or indirectly, any interest, profits or perquisites arising from the use or loan of public funds in his hands, or money to be raised through his agency for State, city, town, district, or county purposes, shall be guilty of a felony, and punished by confinement in the penitentiary for not less than one nor more than five years, and shall thereafter be disqualified to hold any State, county, city, town or district office; and the judgment of conviction shall recite such disqualification.

§ 9. Judges of the county court, justices of the peace, sheriffs, coroners, surveyors, jailers, assessors, county attorneys, constables shall be subject to indictment in the county in which they reside, for misfeasance or malfeasance in office, or willful neglect in the discharge of official duties, and, upon conviction, shall be fined in any sum not less than one hundred nor more than one thousand dollars; and upon such conviction the office held by such person shall become vacant, and the judgment of conviction shall so recite; but such officer shall have the right to appeal to the Court of Appeals.

§ 10. If any person holding a State, county, district, town or city office shall, whilst in the discharge of the duties of his office, be in a state of intoxication, produced by the use of spirituous, vinous, or malt liquors, or if any such person shall, by the use of any such liquors, be unable or incompetent, or disqualified to discharge any of the duties of his office, he shall be deemed guilty of a misdemeanor, and fined not less than one hundred nor more than one thousand dollars.

§ 11. No person appointed to an office by the Governor, by

and with the advice and consent of the Senate, shall be removed therefrom by the Governor during the term for which he was appointed, unless for failure to discharge, or neglect in the performance of the duties of his office. And any person removed for such cause shall be notified, in writing, of the cause of his removal; and the facts connected therewith shall be laid before the Senate by the Governor at its next session. Unless otherwise provided, all persons appointed to an office by the Governor, whether to fill a vacancy, or as an original appointment, shall hold office, subject to the advice and consent of the Senate which body shall take appropriate action upon such appointments at its first session held thereafter.

§ 12. The obligation required by law for the discharge or performance of any public or fiducial office, trust or employment, shall be a covenant to the Commonwealth of Kentucky from the person and his sureties that the principal shall faithfully discharge the duties of the office, trust or employment; but a bond or obligation taken in any other form shall be binding on the parties thereto according to its terms.

§ 13. Actions may be brought from time to time on any such covenant or bond, in the name of the Commonwealth, for her benefit, or for that of any county, corporation or person injured by a breach of the covenant or condition, at the proper costs of the party suing, against the parties jointly or severally, together with the personal representative, heirs, and devisees or distributees of such of them as may be dead; and the recovery against principal and surety shall not be limited by the amount of the penalty named in such bond. Nor shall the recovery be restricted only to such duties or responsibilities as belong to the office, post, trust, or employment at the date of the covenant or bond, but may include any duties or responsibilities thereafter imposed by law or lawfully assumed.

§ 14. No officer from whom a covenant is required shall enter upon the duties of his office until the same is given. A breach of this provision, or a failure to take the oath of office prescribed by law, shall be a misdemeanor punishable by a fine of not less than fifty nor more than one hundred dollars, and, on conviction thereof, such officer shall be removed from office by the judgment of the court where such conviction is had.

§ 15. The official oath of any officer may be administered by any judge, notary public, clerk of a court, or justice of the peace within his district or county.

§ 16. If the official bond is not given, and the oath of office taken on or before the day on which the term of office to which a person has been elected begins, or in cases of persons appointed to office within thirty days after such person has received notice of his appointment, the office shall be considered vacant, and he shall not be re-eligible thereto for two years.

§ 17. Every person, before entering on the performance of the duties of any office for the State, or any district, county, city or

town, shall take the oath of office prescribed by the Constitution and this revision ; and every person, before entering on the duty of executor, administrator, guardian, curator, or committee of an idiot or lunatic, or any other like trust or employment, in lieu of all other oaths not expressly required by law, shall take in substance the following oath or affirmation : "I do solemnly swear (or affirm) that I will faithfully perform the duties of _____ according to law."

§ 18. It shall be the duty and a part of the oath of office of every town or city marshal, or his deputy, or other like police officer or sheriff, that he will endeavor, to the best of his ability, to detect and prosecute all gamblers and others violating the laws against gaming.

§ 19. The following officers shall have commissions issued to them by the Governor, that is to say : Auditor, Register, Treasurer, Superintendent of Public Instruction, Judges of the Court of Appeals, judges of the circuit courts, county judges, police judges, and notaries public, Attorney-General and attorneys for the Commonwealth, justices of the peace, and all of the officers of the militia of rank and grade higher than and including the rank or grade of captain.

§ 20. All officers other than those mentioned in the preceding section may enter upon the discharge of the duties of their offices, respectively, at the time prescribed by the Constitution or the statute creating the office, upon taking the oath and executing the covenant required by law.

§ 21. Unless in a direct proceeding against himself or his sureties, no fact officially stated by an officer in respect of a matter about which he is by law required to make a statement, in writing, either in the form of a certificate, return or otherwise, shall be called in question, except upon the allegation of fraud in the party benefited thereby, or mistake on the part of the officer.

§ 22. Officers of this Commonwealth who are, or may be, required, in the discharge of the duties imposed on them by law, to remain at the seat of government more than three months in each year, may, with their families, temporarily reside at or in the vicinity of the seat of government for any space of time during the term for which they were elected, without in any manner whatever changing or losing their legal and permanent residence in the district and precinct in which they resided at the time of such temporary removal ; and they shall, in all respects and for all purposes, be held and regarded as residents of the precinct and district from which they have so removed. But in all cases it shall be necessary for the officer so intending to temporarily remove to file and cause to be recorded, in the clerk's office of the county court of the county of his residence, a written statement of such intention, which written statement he shall also cause to be recorded in the clerk's office of the county court of the county in which the seat of government is situated.

§ 23. No officer shall, directly or indirectly, buy or contract

for the claim for services of any grand or petit jurymen, and for any violation of this section such officer as violates it shall be fined not exceeding fifty dollars.

Mr. Birkhead offered an amendment, by way of additional sections thereto, as follows:

§ 24. If any judge, Commonwealth's attorney, or other officer, paid in whole or in part out of the State Treasury, or by any county, shall fail or neglect, without good excuse therefor, to perform the duties of his office, there shall be deducted from the amount of the salary of such officer thereafter paid to him by the State or county such an amount as the total number of days during the year in which he failed or neglected to discharge his duty bears to the whole number of days in the year for which he receives compensation.

§ 25. It shall be the duty of the county judge, by an order entered of record, to enforce the provisions of the preceding section as against county attorneys, and it shall be the duty of the fiscal court to enforce its provisions as against the county judge; and it shall be the duty of the circuit judge to enforce its provisions as against the Commonwealth's attorney in his district, by an order entered of record, a copy of which shall be sent as soon as entered by the clerk of the court to the Auditor of Public Accounts. It shall be the duty of the Auditor of Public Accounts to enforce its provisions as against Judges of the Court of Appeals and circuit courts.

§ 26. If any member of the General Assembly shall fail, without good excuse therefor, to attend for one day or more the sessions of that branch of which he is a member, the Speaker of the House of Representatives or President of the Senate, as the case may be, shall direct the Clerk of the House or Senate, as the case may be, to certify to the Auditor of Public Accounts the number of days during which the member failed to be present as herein provided, and the Auditor shall, upon the receipt of such certificate, deduct the *per diem* for the number of days mentioned therein from the salary thereafter due such member for services during that session of the General Assembly.

§ 27. If any judge of the circuit court shall fail to perform the duties of his office, and it shall become necessary to appoint or elect a special judge in his place, it shall be the duty of such special judge to have entered upon the order book of the court at that term an order stating why the regular judge was not present or did not preside or hold the court, and the clerk shall forward such order to the Auditor within ten days after the close of the term. If any judge of the Court of Appeals fails or neglects to perform the duties of his office, it shall be the duty of the Chief Justice to have entered upon the records of the court an order stating the reason why such judge has failed or neglected to perform his duties, and the Clerk shall send to the Auditor, when entered, a copy of such order. From the

statements contained in such orders the Auditor shall determine whether or not such judge failed or neglected, without good excuse therefor, to perform his duties.

Said amendment was agreed to.

Said bill, as amended, was read the third time and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	Lewis Y. Leavell,
Lewis Alexander, Sr.,	J. P. Gay,	H. P. Lively,
W. W. Ayres,	J. C. Glenn,	C. W. Mathers,
W. P. Beard,	S. M. Gough,	Hiram McElroy,
B. F. Bennett,	Geo. T. Halbert,	Eli Nicholls,
B. T. Birkhead,	Thos. H. Hanks,	J. P. O'Meara,
John Botts,	U. G. Harlow,	J. F. Porter,
P. S. Bruner,	A. L. Harned,	C. D. Reed,
Polk Cansler,	H. K. Hay,	D. H. Severs,
B. E. Caudill,	P. R. Hays,	S. H. Shouse,
R. F. Comer,	B. B. Hensley,	W. R. Stewart,
L. J. Cox,	W. J. Hissem,	J. R. Summers,
J. S. Cullen,	F. W. Hutcheson,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Daniel James,	J. R. Thomas,
McD. Ferguson,	W. W. Johnson,	John M. Tinsley,
John Finn,	R. M. Kincheloe,	Geo. E. Willett—48.

Those who voted in the negative, were—

John Bartman,	W. H. May,	John Ryan—5.
T. S. Kirk,	I. M. Quigley,	

Resolved, That the title thereof be as aforesaid.

Also, S. B. 126. An act concerning juries and entitled "Juries."

Said bill reads as follows, viz :

ARTICLE I. Grand and petit jurors—how obtained.
 ARTICLE II. Grand jurors—qualification and pay of.
 ARTICLE III. Petit jurors—qualification and pay of.
 ARTICLE IV. Mode of selecting jury to try cause.
 ARTICLE V. General provisions.

ARTICLE I. GRAND AND PETIT JURORS—HOW OBTAINED.

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The circuit judge of each county shall, at

the first regular term of circuit court therein after this act takes effect, and annually thereafter, appoint three intelligent and discrete housekeepers of the county, over twenty-one years of age, resident in different portions of the county, and having no action in court requiring the intervention of a jury, as jury commissioners for one year, who shall be sworn in open court to faithfully discharge their duty. They shall hold their meetings in some room, to be designated by the judge, and while engaged in making the lists of juries and selecting the names, writing and depositing or drawing them from the drum or wheel-case, no person shall be permitted in said room with them. They shall take the last returned assessor's book for the county, and from it shall carefully select from the intelligent, sober, discreet and impartial citizens resident housekeepers in different portions of the county over twenty-one years of age the following number of names of such persons, to wit: In counties having a population of ten thousand or less, not less than two nor more than three hundred; in counties having a population of more than ten thousand, and not exceeding twenty thousand, five hundred; in counties having a population exceeding twenty thousand, and not exceeding fifty thousand, seven hundred and fifty; in counties having a population exceeding fifty thousand, and not exceeding one hundred thousand, one thousand; and in counties having a population exceeding one hundred thousand, and its circuit court divided into branches, fifteen hundred for each division of the court requiring the services of a jury. Each name so selected they shall write in a plain handwriting on a small slip of paper, each slip being as near the same size and appearance as practicable, and each slip, with the name written thereon, shall be by them inclosed in a small case made of paper or other material, and deposited, unsealed, in the revolving drum or wheel-case hereinafter provided for; but before depositing any of said slips in said drum or wheel-case, they shall carefully examine its contents, and remove therefrom and destroy any slips found therein. When said slips have been deposited in said drum or wheel-case, it shall be locked and revolved, or so shaken as to thoroughly mix said slips; then it shall be unlocked, and they shall draw therefrom a sufficient number of names to procure twenty persons, qualified as hereinafter provided, to act as grand jurors; and if, in doing this, the name of any person not qualified to act as a grand juror is drawn, the same shall be returned to the drum or wheel-case. Said names shall be drawn one by one, and only the names of those qualified shall be recorded on paper until the twenty are secured; and said list shall be certified, signed and inclosed by them in an envelope made of good paper, and it shall be sealed and their names written across the seal thereof, and directed to the judge of the circuit court, adding the words "Criminal Division," when said circuit court is divided into branches, and indorsed "A list of the grand jury for

the _____ circuit court, to be held in the month of _____, in the year _____," adding the words "Criminal Division" after the words "Circuit Court;" when there are branches of the circuit court from which list the next grand jury for said county shall be empaneled as hereinafter directed. After completing the list of grand jurors, they shall lock said drum or wheel-case, and revolve or shake it, so as to thoroughly mix the slips remaining therein, and then unlock the same and draw therefrom, one by one, the names of thirty persons, and record the same upon paper as drawn, which in like manner shall be certified, signed and inclosed by them in an envelope made of good paper, and it shall be sealed and their names written across the seal thereof, and directed to the judge of the circuit court, adding the name of the Division of said court for which said list of jurors are selected, when such court is divided into branches, and indorsed "A list of the petit jury for the _____ circuit court, to be held in the month of _____, in the year _____," adding the name of the Division of said court for which said jury is selected, in cases where the circuit court is divided into branches from which list the next petit jury for said county in said court shall be selected and empaneled as hereinafter directed. The slips of paper upon which is written the names of persons placed by said commissioners upon the lists of grand and petit jurors, shall be destroyed by the commissioners as the names are recorded on said lists. Circuit courts divided into branches shall have one commissioner for each division requiring the services of a jury therein, to be appointed and qualified by the judge thereof; and said commissioners so appointed in such courts shall act jointly in the selection of jurors and juries, in the manner above provided, for each division of said circuit court wherein the services of a jury are required; and each of such divisions of said court shall have a separate drum or wheel-case, which said commissioners shall use in making up the juries and selecting jurors in the manner above provided for said divisions respectively; but no grand jury list shall be made, or grand jurors drawn by said commissioners, or any one else, for any other than the criminal division of a circuit court having branches. When the commissioners have completed the lists of juries, they shall lock the drum or wheel-case containing the remaining names, and deliver it and the key thereto, and said sealed list or lists, and all slip-cases not used, to the judge of the court for which said jurors are selected, who shall deliver them, except the key, to the circuit court clerk in open court, and at the time administer to him and his deputies the following oath, to wit: "You do solemnly swear that you will not open this drum or wheel-case, except in open court, under the direction of the judge of this court, and that you will not open the envelopes containing the list of petit or grand and petit juries, as the case may be, for the session of this court to be held in the month of _____,

in the year of ———, until the time fixed by law; that you will not, directly or indirectly, connive with any one selected as a petit juror concerning any suit for trial in this court at its next term, unless by leave of court." Should the clerk subsequently, in vacation, appoint a deputy, he shall administer to him a like oath; and if the clerk, or any other person, except as herein provided, shall willfully open or unlock, or break into, or in any way injure the wheel or drum, or lock thereof, or, except as herein provided, shall willfully open or break the seal of the envelopes containing the jury list or lists, the person so offending shall be guilty of a felony, and punished by confinement in the penitentiary for not less than one nor more than five years.

§ 2. The commissioners shall remain in session not longer than two days, except that in counties having a population of over fifty thousand, and not exceeding one hundred thousand, they may remain in session three days, and in counties having a population of more than one hundred thousand, they may remain in session five days, and shall each receive for his services two dollars per day for the time actually engaged, the claim for which shall be certified by the judge appointing him, and paid by the State Treasurer, upon the voucher of the Auditor of State. If, for any cause, either of the persons selected as a commissioner can not serve, or having commenced, can not complete his labors, the judge appointing him may appoint another person of like qualifications in his place. If, at any time, it becomes apparent to the judge of any court that the names in the drum or wheel-case for said court will be exhausted before the next annual selection of commissioners, the judge, by an order entered of record, shall reconvene the commissioners, who shall select and place in said drum or wheel-case, as hereinbefore provided, the number of names of qualified grand and petit jurors stated in the order of the judge reconvening them; and the judge may, if he deem it necessary, require, by an order of court, the attendance of one of said commissioners at the time that the judge shall make up the lists of juries for his court, as hereinafter provided. Neither of them shall be appointed for the next year.

§ 3. At each term of circuit court, within one year after the commencement of that at which said commissioners were appointed, or in cases of courts having continuous session, during the first week of each month that the court is in session, within one year from the first of the month in which said commissioners were appointed, the judge of the court shall draw from said drum or wheel-case a sufficient number of names to procure the names of twenty persons qualified, as hereinafter prescribed, to act as grand jurors, and record the names of the twenty qualified upon paper, and certify and sign it, and shall also, after having locked and revolved or shaken said drum or wheel-case, reopen it and draw therefrom the names of thirty persons to act as petit

jurors, record their names on paper, certify and sign it; and he shall place said lists in separate envelopes of good paper, and seal and indorse them, so as to show that the envelopes contain jury lists, and the month and year said jurors are selected for, and date of selection, and sign his name across the seal of each, and deliver them to the clerk of his court, at the same time administering to him and his deputies the oath above required of them; from the list of twenty names the next grand jury shall be drawn, and from the list of thirty names the next petit jury shall be drawn, as hereinafter directed. He shall destroy the slips on which are written the names placed on the lists as soon as said names are recorded on said list, and if in drawing the twenty grand jurors the name of a person not having the qualifications of a grand juror be drawn, it shall be forthwith returned to the drum or wheel-case, and if at any drawing the name of a person temporarily disqualified is drawn, it shall be replaced in said wheel-case or drum; but if the name of any person permanently disqualified is drawn, the slip on which it is written shall be destroyed. Immediately after the judge has drawn said names from said drum or wheel-case he shall lock the same, and deliver it and the aforesaid lists to the clerk as above directed. The judge, when he draws the jury, shall not permit any one to see any name, nor shall he divulge the name of any person drawn on any jury, except that the judge may require one of the commissioners to attend and assist him when he draws the jury and makes the list, if he deems it necessary.

§ 4. If at any special term of a circuit court to be held grand and petit juries, or either, will be required therein, the judge of the court may, not more than ten nor less than five days before the special term is to begin, direct the clerk of the court to immediately open the list made and delivered to him at the last regular term of said court, of such jury as will be required, and which direction shall be immediately complied with by the clerk by opening said list, making a copy thereof, and delivering the copy to the sheriff, who shall summon said jurors as hereinafter provided. In the event the lists of grand and petit jurors, or either, selected for a regular term, are used at a special term, as provided in this section, it shall be the duty of the judge at said special term to draw and make up from the drum or wheel-case, in the manner provided in section three, other lists, instead of the ones used for the next regular term of the court.

§ 5. The drum, or wheels, locks, keys and cases shall be selected by the Auditor of Public Accounts, Secretary of State and Attorney-General, and may vary in size to suit the wants of each county. They shall be paid for by the respective counties out of the county levy as other claims are paid, and when any of them become unfit for use, or are destroyed, others shall be supplied by the county as soon as practicable thereafter, and, except when in custody of the commissioners, or the court or the judge thereof, the wheel or drum, its contents, and all cases

not in use, shall be carefully kept by the circuit clerk; but the key to the drum or wheel, except when in use by the commissioners, shall be kept by the judge of the court; and if at any term of the court at which a jury is to be drawn the judge can not attend, he shall transmit said key by some reliable person or express company to the *pro tem.* judge of said court, who shall, immediately at the close of such term, transmit by express, or some reliable person, said key to the regular judge: *Provided*, That when said key is transmitted by a person, he shall be sworn to promptly, and without exhibiting said key to any other person, or permitting it to get out of his possession, carry and deliver it to the judge to whom sent.

§ 6. Within ten days of the date to which said grand and petit jurors are to be summoned, the clerk shall open the envelopes containing the lists, and make out fair copies of such lists of grand and petit jurors, and deliver the same to the sheriff, who shall, at least three days prior to the next term or date to which they are to be summoned, summon the persons to attend—grand jurors on the first, and the petit jurors on the second day of the term, except that in cases of courts having continuous session, said persons shall be summoned to attend on the first Monday in the month for which they were drawn. The sheriff or other officer summoning such persons shall do so by giving to each one found personal notice, and to each one not found, by leaving a written notice at the juror's place of residence, with some member of his family over sixteen years of age. The lists shall be returned by the sheriff on the first day of the term, or in cases of courts having continuous sessions, on the day to which the jurors are summoned, with a certificate thereon of the date and manner in which each juror was summoned, from which lists respectively the regular panels of the grand and petit juries shall be selected in order in which their names appear thereon.

§ 7. The judge may, at any time, during the term when it is necessary, draw and select from the drum or wheel other persons to act as grand or petit jurors, and the court may, after the regular grand jury has been discharged at any term, empanel a grand jury composed of by-standers, and may, in its discretion, fill vacancies in the grand jury from by-standers or by drawing from the drum or wheel. The court may also, after the petit juries for the term have been selected and empaneled, direct, in other proceedings than prosecutions for felony, the sheriff to supply from by-standers the place of one or more who may be thereafter excused by the court for good cause or removed by the challenge of either party, unless the Commonwealth's attorney or defendant in penal prosecutions, or the plaintiff or defendant in civil actions and proceedings, demand that said vacancies shall be filled by drawing from the drum or wheel, in which event the judge shall draw a sufficient number from the wheel to fill the vacancies, and so on until the vacan-

cies are filled ; but if the whole of any panel is discharged by the court during the term, their places shall be filled by jurors drawn and selected by the judge from the drum or wheel, as herein provided ; or if all the regular petit jurors be excused by the court, or removed by challenges of parties in any case called for trial, a jury shall be made up from names drawn from the drum or wheel by the judge, and for this purpose the judge may draw at one drawing such number of names as, in his opinion, will enable the parties to procure a jury ; but if the parties do not select a jury from the names drawn, the judge shall draw from time to time until the jury is obtained. When the judge draws such names he shall make a list thereof, and deliver the list to the sheriff, who shall forthwith summon them.

ARTICLE II. GRAND JURORS—QUALIFICATION AND PAY OF.

§ 8. A grand jury shall consist of twelve persons, and no person shall be qualified to serve as a grand jurymen unless he be a citizen and a housekeeper of the county in which he may be called to serve, and over the age of twenty-one years. No civil officer (except trustees of schools), no surveyor of a highway, tavern-keeper, vender of ardent spirits by license, or person who is under indictment, or who has been convicted of a felony, and not pardoned, or who for reward has, within the preceding six months, stood a horse, jack or bull, shall be competent to serve as a grand juror ; but the fact that a person not qualified or competent served on a grand jury shall not be cause for setting aside indictments found by such grand jury.

§ 9. A grand jury shall be summoned at each regular term of the circuit court, unless otherwise ordered by the judge by an order entered of record, and a grand jury may be summoned and empaneled at any special term by order of the circuit judge. In such courts and branches thereof having continuous sessions as are authorized by article one hereof to draw and empanel a grand jury, it shall be done on the first Monday in each month that such court is in session, unless otherwise ordered by the judge.

§ 10. The court shall appoint one of the number of every grand jury foreman thereof, and the following oath, in substance, shall be administered to the grand jury : " Saving yourselves, you do swear that you will diligently inquire of and present all treasons, felonies, misdemeanors, and breaches of the penal laws, which shall have been committed or done within the limits or the jurisdiction of this county, of which you have knowledge or may receive information."

§ 11. Grand jurors shall be paid for their services each two dollars per day, and shall not remain in session longer than six days at any term, unless by order, entered of record by the court, they are permitted to sit longer.

ARTICLE III. PETIT JURORS—QUALIFICATION AND PAY OF.

§ 12. A petit jury in the circuit court shall consist of twelve persons, and in all trials held in courts inferior to the circuit court, or by any county, police or city judge, or justice of the peace, a jury shall consist of six persons; but the parties to any action or prosecution, except for felony, may agree to a trial by a less number of persons than is provided for in this section.

§ 13. No person shall be a competent jurymen for the trial of criminal, penal or civil cases in any court, unless he be a citizen at least twenty-one years of age, a housekeeper, sober, temperate, discreet, and of good demeanor. No civil officer, except trustees of schools, transient person, physician, surgeon, practicing attorney, or minister of any religious society, cashier or teller of a bank, or those who may be supplying their places for the time, or attendant at an asylum, or retail druggist, pharmacist, undertaker, depot agent of a railroad, or telegraph operator in employment, shall be compelled to serve on a petit jury; but the fact that a person not competent served on a jury shall not be cause for setting the verdict aside, nor shall exception be taken to any juror for such cause after the jury has been sworn.

§ 14. *Juries de medietate lingue* may be directed by the court.

§ 15. Jurors, knowing any fact material to the issue, shall disclose the same in open court, upon oath, as evidence.

§ 16. If a juror in any case shall take, or agree to take, any thing, directly or indirectly, to give, or refrain from giving, his verdict, or shall, from favoritism or corrupt partiality, give or refrain from giving his verdict, and shall be thereof convicted, such juror shall not thereafter serve on any jury, and shall be fined one hundred dollars, and a sum equal to ten times the amount received or agreed to be received.

§ 17. No sheriff or other officer shall converse with the jury, or any member thereof, upon any subject after they have been sworn, without leave of court.

§ 18. Each party litigant in civil actions shall have the right of peremptory challenge to one-third of the jury summoned, and the right to challenge for cause as now given by law.

§ 19. The following, in substance, shall be the oath to be administered to jurors in a civil suit: "You do swear that you will well and truly try the issue joined between A B, plaintiff, and C D, defendant (or if there be no issue, 'try the case'), and a true verdict give, according to evidence, unless dismissed by the court, or withdrawn by the parties."

§ 20. Jurors in the circuit court shall receive two dollars per day, and when kept together over night in custody of the sheriff, shall receive one dollar additional for each night they are so kept together; and in courts inferior to the circuit court,

fifty cents for each case. In the circuit court a jury fee of four dollars shall be taxed as costs against the unsuccessful party ; and in other courts the cost of a jury shall be paid by the party demanding the jury, and shall be taxed as costs against the unsuccessful party ; but in such courts, if the same juror serves on more than two juries in one day, he shall not be allowed any thing for such excess.

§ 21. The court may discharge the regular first panel of a jury after they shall have served one week, and empanel another jury as herein provided.

§ 22 At the commencement of each term of the court at which jury causes may be tried, the judge shall administer to the sheriff and deputies the following oath: "You do swear that, without favor or affection, or without a desire to favor or injure the rights of any litigant, you will summon, when required, jurors in and for this county, and that, to the best of your skill and judgment, you will select discreet, sensible, impartial and sober men ; and that you will not, directly or indirectly, communicate or converse with any jurymen, unless under the direction of the court, touching the subject matter of any suit pending for trial at that time ; that you will not, by any means, attempt to influence, advise or control a jurymen in his opinion in any case under trial."

§ 23. Jurors shall give their constant attention at court, and not leave the court-house while in session without leave of court ; for a violation of this duty they may be fined by the court for a contempt a sum not exceeding ten dollars for each offense, which fine shall be deducted from the pay of the juror.

ARTICLE IV. MODE OF SELECTING JURY TO TRY CAUSE.

§ 24. On the day the jury shall be summoned to attend court, the panel shall be called, and the names of such as attend, and are not excused by the court, shall be entered of record ; and any deficiency in the panel shall be supplied as directed in this chapter.

§ 25. The clerk shall write the names of the jurors entered of record on separate slips of paper, as near the same size and appearance as may be, and when a jury is wanted for the trial of a cause, the same shall be drawn from a box after the papers shall have been deposited therein, and well mixed. The clerk shall provide, and keep for that purpose, a suitable box with a sliding lid.

§ 26. In criminal cases, where the defendant is entitled to a peremptory challenge of more than four jurors, the clerk, under the direction of the court, shall draw from the box twelve names, who shall compose the jury to try the cause, unless some one or all of them shall be challenged ; in which case the clerk shall draw from the box as many more as may be required.

and as often as required, until a jury be obtained or the whole panel be exhausted; then the court shall order the sheriff to make up the deficiency as directed in this chapter.

§ 27. In all civil cases of jury trial the clerk shall draw from the box the names of twenty of the jury, and write them, as drawn, on two slips of paper, and deliver one to each party, from which plaintiff and defendant may each strike four and return the list to the clerk, who shall call the first twelve names not erased, and swear them as a jury to try the case. But before either party shall be required to strike, those on the list may be challenged for cause, and others drawn and placed on the list in the place of as many as may be set aside for cause. In all cases where the jury shall be completed, the names of persons not on the jury shall be returned to the box, from which another jury may be drawn. And whenever, from any cause, it may be necessary to make up a jury, if there be not enough of the standing jury remaining or in attendance, the court shall order, for the occasion, a sufficient number to be summoned, as directed in this chapter, to make up a panel. If a standing juror, for any cause, shall be excused or discharged from the jury, his place shall be supplied as directed in this chapter.

ARTICLE V. GENERAL PROVISIONS.

§ 28. Any person legally summoned and failing to attend as a grand or petit juror, without a reasonable cause, shall be fined ten dollars.

§ 29. If a sheriff or other officer shall fail to summons, without good excuse, the grand or petit jurors whom he is directed to summons, he shall be fined for each offense not less than five nor more than thirty dollars.

§ 30. Upon the return of a verdict into court by the jury, a dismissal or judgment of non-suit, or the withdrawal of a jury by consent after it has been sworn, a jury fee of four dollars shall be paid to the clerk by the successful party, in the first two cases, before any execution shall issue on the judgment. In the latter case the jury fee of four dollars shall be paid by the party-plaintiff, and in each case to be taxed as cost.

§ 31. When a plaintiff sues in *forma pauperis*, no jury fee shall be paid if he is unsuccessful.

§ 32. If the successful party shall fail or refuse to pay the jury fee, the opposite party may pay it to the clerk, which shall be credited on the judgment and execution against him.

§ 33. If the jury fee is not paid to the clerk before the adjournment of court, he shall, within twenty days after the adjournment, issue execution for the same in the name of the Commonwealth, to be collected and accounted for by the sheriff or other officer as money collected on other executions. Whenever it shall appear to the clerk that the jury fee has been paid on the judgment, execution may be issued. If the party bound

for the jury fee be a non-resident, the execution for the fee shall be against him and his surety, if any. The failure of the clerk to issue execution as herein required shall render him liable on his bond for the jury fees for which he should have issued execution.

§ 34. The clerk shall not issue to the jurors any certificate of service, but shall, in a book to be kept for that purpose, enter the name of each juror entitled to pay, and the amount to be paid him, by which book the trustee of the jury fund shall be regulated in making payment to jurors, and in which the juror shall sign his name as evidence of payment.

§ 35. Persons summoned and not sworn as jurors shall be discharged without pay. If sworn, and serve more than one day at any one time, they shall be paid as other jurors.

§ 36. The court may adjourn the whole or a part of the jury to any day of the term; but they shall not be paid for the time they stand adjourned. The grand jury may be adjourned, in like manner, without pay.

§ 37. The trustee shall pay the jurors, in proper person, the full compensation allowed them by law, which fact he shall verify by his oath, in open court, when he makes his report. The court shall have power to compel the trustee to discharge the duties of his office by fine and imprisonment.

§ 38. The compensation of juries in the circuit court shall be paid out of the funds in the hands of the trustee of the jury fund due the State, and the trustee shall have credit for the amount so paid in his settlements with the Auditor; and if the funds in his hands due to the State are not sufficient to pay the jurors, the deficiency shall be certified to the Auditor by the court, and thereupon the Auditor shall draw his warrant upon the State Treasury, payable to the trustee of the jury fund, for the amount necessary to supply the deficiency.

§ 39. If any county officer shall, directly or indirectly, buy or contract for the claim for the services of any juror, the officer so offending shall be fined for each offense fifty dollars.

§ 40. The Auditor shall report to each Legislature the annual amount paid to grand and petit jurors.

Said bill was read and considered section by section.

Mr. Kirk offered an amendment to said bill as follows, viz:

Amend section 12 by inclosing in parenthesis the words "except trustees of schools."

Which was agreed to.

At 1 o'clock, P. M., the House adjourned.

WEDNESDAY, APRIL 12, 1893.

The House was opened with prayer by the Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	John Finn,	C. W. Mathers,
Lewis Alexander, Sr.,	S. M. Gough,	W. H. May,
W. W. Ayres,	Geo. T. Halbert,	Eli Nicholls,
W. S. Bailey,	Thos. H. Hanks,	W. F. Peak,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. F. Bennett,	A. L. Harned,	C. D. Reed,
B. T. Birkhead,	H. K. Hay,	John Ryan,
John Botts,	P. R. Hays,	D. H. Severs,
P. S. Bruner,	B. B. Hensley,	S. H. Shouse,
Polk Cansler,	W. J. Hissem,	W. R. Stewart,
B. E. Caudill,	F. W. Hutcheson,	J. R. Summers,
F. P. Combest,	Daniel James,	Lewis E. Thomas,
R. F. Comer,	W. W. Johnson,	J. R. Thomas,
L. J. Cox,	R. M. Kincheloe,	John M. Tinsley,
J. S. Cullen,	T. S. Kirk,	D. W. Tribble,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	H. P. Lively,	Geo. E. Willett—52.
McD. Ferguson,		

The following members were absent, viz :

T. J. Arnett,	J. P. Gay,	Thos. S. Pettit,
Posey D. Ball,	J. C. Glenn,	Granville Philpot,
John Bartman,	R. K. Hart,	E. M. Pryse,
John T. Bashaw,	Berry Howard,	A. T. Pullen,
R. F. Bass,	J. S. Joplin,	I. M. Quigley,
A. J. Carroll,	Henry Kremer,	R. E. Roberts,
A. H. Charlton,	William Krieger,	Waller Sharp,
W. J. Cox,	John M. Letterle,	Fenton Sims,
Wesley Crow,	John S. May,	C. C. Spalding,
James R. Dean,	Hiram McElroy,	W. W. Stephenson,
E. M. Dickson,	M. D. McInerney,	Samuel O. Tate,
J. E. Durham,	Harvey Myers,	J. H. Welch,
George Will. Follis,	W. F. Neat,	H. P. Whitaker,
J. M. Frazee,	J. P. O'Meara,	B. F. Willett,
Wm. Garrison,	John Lee Payne,	R. B. Wilson,
Ben. F. Gardner,	J. A. Perkins,	John D. Woods—48.

The Journal of yesterday's proceedings was approved.

Leave of absence for an indefinite period was granted Mr. Glenn.

New bills were introduced as follows, viz :

By Mr. Caudill—

H. B. 511. A bill to divide the State into one hundred Representative Districts.

Which was ordered to be printed, and referred to the Committee on Legislative Districts.

By Mr. W. H. May—

H. B. 512. A bill authorizing cities of the second class, in the Commonwealth of Kentucky, to issue refunding bonds.

Which was referred to the Committee on Judiciary.

Mr. O'Meara, from the Committee on Judiciary, reported

S. B. 75. An act relating to claims upon the Treasury.

Mr. O'Meara moved that the votes by which said bill was passed, and also by which it was ordered to be read a third time, be reconsidered.

Which motion was agreed to.

Mr. O'Meara offered amendments to said bill as follows, viz :

1. Amend section 13 by adding thereto the following: "Eight dollars per day to the judge, and seven dollars per day to the Commonwealth's attorney, to be paid on certificate of the clerk of the court wherein the services were rendered."

2. Amend subsections 8, 9, 10 and 11, of section 16, by striking out in each the words "county treasurer," and by inserting in lieu thereof "trustee of the jury fund."

Said amendments were agreed to.

Ordered, That said bill, as amended, be read the third time.

Said bill was read the third time by its title,

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore), John Finn,
Lewis Alexander, Sr., J. P. Gay,
W. W. Ayres, S. M. Gough,

W. H. May,
Eli Nicholls,
J. P. O'Meara,

W. S. Bailey,	Geo. T. Halbert,	W. F. Peak,
John Bartman,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	C. D. Reed,
B. F. Bennett,	A. L. Harned,	R. E. Roberts,
B. T. Birkhead,	H. K. Hay,	John Ryan,
John Botts,	P. R. Hays,	D. H. Severs,
P. S. Bruner,	B. B. Hensley,	S. H. Shouse,
Polk Cansler,	W. J. Hissem,	W. R. Stewart,
A. J. Carroll,	F. W. Hutcheson,	J. R. Summers,
B. E. Caudill,	Daniel James,	Lewis E. Thomas,
R. F. Comer,	W. W. Johnson,	John M. Tinsley,
L. J. Cox,	R. M. Kincheloe,	D. W. Tribble,
J. S. Cullen,	T. S. Kirk,	N. S. Walton,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	Geo. E. Willett,
D. B. Edmiston,	H. P. Lively,	R. B. Wilson—56.
McD. Ferguson,	C. W. Mathers,	

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Bills were reported by the committees as follows :

By Mr. Edmiston, from the Committee on County and City Courts—

H. B. 510. A bill to amend an act to amend an act to empower Logan county to retire the bonded indebtedness of the county at or before maturity ; to create a sinking fund for that purpose ; to provide for commissioners of the sinking fund and collectors of taxes levied, and to prescribe the duties and powers of said officers, approved April 23, 1892.

By Mr. Peak, from the Committee on Codes of Practice—

S. B. 16. An act to amend section 51 of the Civil Code.

Said bills were severally read the first time, ordered to be printed, and read a second time on another day.

The Enrolling Clerk of the House this day delivered to the Chief Clerk of this House enrolled and original bills, which originated in the House, entitled

H. B. 161. An act concerning the State Board of Health ;

H. B. 463. An act concerning conveyances ;

Which were signed by the Speaker on yesterday.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

The House took up the unfinished business of yesterday, viz :
S. B. 126. An act concerning juries, and entitled "Juries."

Mr. Bennett offered an amendment to said bill as follows, viz :
Amend section 12 by inserting in line four, after the word
"peace," the word "coroner."

Said amendment was disagreed to.

The substitute offered heretofore by Mr. Gardner for said bill
was disagreed to.

Ordered, That said bill be read a third time.

Said bill was read a third time by its title,

The constitutional provision as to the reading of said bill
the third time at length being dispensed with.

Said bill was then passed.

[*For Bill, see yesterday's Journal.*]

The yeas and nays being required thereon by a provision of
the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	C. W. Mathers,
Lewis Alexander, Sr.,	J. M. Frazee,	W. H. May,
W. W. Ayres,	J. P. Gay,	Eli Nicholls,
W. S. Bailey,	S. M. Gough,	J. P. O'Meara,
John Bartman,	Geo. T. Halbert,	W. F. Peak,
R. F. Bass,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	C. D. Reed,
B. F. Bennett,	A. L. Harned,	R. E. Roberts,
B. T. Birkhead,	H. K. Hay,	John Ryan,
John Botts,	P. R. Hays,	D. H. Severs,
P. S. Bruner,	B. B. Hensley,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	W. R. Stewart,
A. J. Carroll,	Daniel James,	J. R. Summers,
B. E. Caudill,	W. W. Johnson,	Lewis E. Thomas,
F. P. Combest,	R. M. Kincheloe,	J. R. Thomas,
R. F. Comer,	T. S. Kirk,	John M. Tinsley,
L. J. Cox,	Henry Kremer,	D. W. Tribble,
J. S. Cullen,	William Krieger,	N. S. Walton,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	Geo. E. Willett,
D. B. Edmiston,	H. P. Lively,	R. B. Wilson—61.
McD. Ferguson,		

In the negative—I. M. Quigley—1.

The House took from the orders of the day S. B. 163, entitled
An act relating to courts of justice.

Said bill reads as follows, viz :

ARTICLE	I.	Court of Appeals.
ARTICLE	II.	Circuit Courts.
ARTICLE	III.	Quarterly Courts.
ARTICLE	IV.	County Courts.
ARTICLE	V.	County Judge.
ARTICLE	VI.	Justices' Courts.
ARTICLE	VII.	Change of Venue.

ARTICLE I. COURT OF APPEALS.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. Power is vested in the Court of Appeals to administer oaths, punish contempts, and make rules, consistent with law, for the government of its proceedings, and to issue such writs as may be necessary to give it a general control of inferior jurisdictions; and to any judge thereof power is given to reinstate attachments and injunctions.

§ 2. No appeal shall be taken to the Court of Appeals from a judgment for the recovery of money or personal property, if the value in controversy be less than one hundred dollars, exclusive of interest and costs, nor to reverse a judgment granting a divorce or punishing contempt, nor from any order or judgment of a county court, except in actions for the division of land and allotment of dower, nor from any order or judgment of a quarterly, city, police, fiscal or justice's court, nor from a bond having the force of a judgment. In all other civil cases, the Court of Appeals shall have appellate jurisdiction over the final orders and judgments of all courts.

§ 3. When special judges are appointed, as provided in the Constitution, the clerk of the court shall notify the persons selected of the time fixed for the hearing of the cause.

§ 4. The court shall be held every juridical day in each year, except in the months of July and August, if it be necessary to dispose of the business before it; but if, at any time, a majority of the judges are unavoidably absent, the court shall stand adjourned until a quorum can be had.

§ 5. The court shall, by its orders, declare what shall be regarded as a term, or the commencement or end of a term, in order to conform to any law or rule of court requiring any thing to be done before the commencement or after the end of a term, or within a certain number of terms; and said orders shall be so framed as that there shall be three terms in each year; and all process from the court shall bear test in the name of the clerk.

§ 6. If the court is equally divided in the decision of a cause, the order or judgment of the inferior court shall stand affirmed.

§ 7. The court shall biennially appoint a reporter of its decisions, by an order entered on its records, and shall direct what decisions delivered by it are to be published. He shall receive

for his services eighteen hundred dollars per annum, payable monthly, out of the State Treasury.

§ 8. The reporter shall have the decisions of the court printed in volumes well bound in law-sheep, of not less than 750 pages, on paper of superior quality; the work to be done by the contractor of public printing, upon the terms which may be allowed him by law at the same time for the same kind of work.

§ 9. The printer shall have each volume of reports stereotyped, and shall print and bind one thousand copies thereof, and deliver them to the Librarian, who shall furnish one copy thereof to each officer entitled thereto by law, and shall sell the remainder to any person desiring the same at a price not exceeding the actual cost of same and twenty per cent. thereon.

§ 10. There shall be no copyright of said reports; but the stereotype plates of each volume shall be delivered by the printer, after the said one thousand copies are printed, to the State Librarian, who shall preserve them as the property of the Commonwealth.

§ 11. Whenever the original edition of any volume of said reports is exhausted, the Librarian shall, from time to time, as the same may be needed, have new editions thereof printed from the stereotype plates owned by the Commonwealth; but such new edition shall not be less than two hundred and fifty nor more than five hundred copies in number, and shall be marked so as to show the number of the edition.

§ 12. The court shall annually appoint one of the judges thereof to inspect the clerk's office of the court, and to report its condition to the court, which report shall be placed on the records of the court, and such action taken thereon as may seem proper.

§ 13. The judges may appoint a sergeant-at-arms, tipstaff and janitor, who shall each hold office during the pleasure of the court, and perform such duties as the court may require. They shall each receive, during the terms of court, three dollars per day for their services, payable monthly.

ARTICLE II. CIRCUIT COURTS.

§ 14. The circuit court shall be a court of record, and shall have original jurisdiction of all matters, both in law and equity, of which jurisdiction is not exclusively delegated to some other tribunal, and shall have jurisdiction in all cases where the title to land is in question, or in which it is sought to enforce a lien upon or to subject land by provisional remedy to the payment of debt. Each circuit judge shall be a conservator of the peace throughout the State.

§ 15. The State is divided into thirty circuit court districts, each district composed of the following counties:

First District—Fulton, Hickman, Carlisle, Ballard and Graves.

Second District—Marshall and McCracken.

Third District—Calloway, Trigg, Christian and Lyon.

Fourth District—Livingston, Crittenden, Caldwell and Hopkins.

Fifth District—Union, Henderson and Webster.

Sixth District—Daveiss, Ohio, McLean and Hancock.

Seventh District—Simpson, Todd, Logan and Muhlenberg.

Eighth District—Allen, Warren, Butler and Edmonson.

Ninth District—Grayson, Breckinridge, Meade and Hardin.

Tenth District—Barren, Hart, Larue, Nelson and Bullitt.

Eleventh District—Green, Taylor, Marion and Washington.

Twelfth District—Spencer, Shelby, Anderson, Oldham, Trimble and Henry.

Thirteenth District—Mercer, Boyle, Garrard and Lincoln.

Fourteenth District—Franklin, Woodford, Scott and Bourbon.

Fifteenth District—Boone, Gallatin, Carroll, Grant and Owen.

Sixteenth District—Kenton.

Seventeenth District—Campbell.

Eighteenth District—Pendleton, Harrison, Nicholas and Robertson.

Nineteenth District—Bracken, Mason, Fleming, Lewis and Greenup.

Twentieth District—Carter, Boyd, Lawrence, Elliott and Morgan.

Twenty-first District—Bath, Montgomery, Rowan and Menefee.

Twenty-second District—Fayette.

Twenty third District—Breathitt, Lee, Wolfe, Magoffin and Estill.

Twenty-fourth District—Johnson, Martin, Floyd, Pike and Knott.

Twenty-fifth District—Clark, Powell, Madison and Jessamine.

Twenty-sixth District—Perry, Bell, Harlan and Letcher.

Twenty-seventh District—Jackson, Owsley, Laurel, Clay, Leslie and Knox.

Twenty-eighth District—Rockcastle, Pulaski, Wayne, Witley and Clinton.

Twenty-ninth District—Adair, Russell, Cumberland, Monroe, Metcalfe and Casey.

Thirtieth District—Jefferson.

Election shall be held in each of the foregoing districts to elect a circuit judge, and in the Thirtieth District to elect four circuit judges, on the first Tuesday after the first Monday in November, 1892, under the general election law of the Commonwealth, and the judges then elected shall enter upon the discharge of the duties of their respective offices on the first Monday in January, and hold their offices for five years, and until their successors are elected and qualified. At the general election in 1897, and every six years thereafter, there shall be an election for circuit court judges, who shall enter upon the

duties of their respective offices on the first Monday in January next succeeding their election. They shall be commissioned by the Governor, and continue in office until their successors are qualified.

§ 16. In each county of said district, except the county of Jefferson, there shall be held each year the number of terms of the circuit court provided for by law, and the term in any district may be extended if the business requires, so that it does not interfere with any other term in the district; and whenever it is necessary to transact the business, a special term may be held in any county, either by an order entered of record at the last preceding regular term in the county or by notice signed by the judge and posted at the court-house door of the county for ten days before the special term is held; the order of notice shall specify the day when the special term is to commence, and shall give the style of each case to be tried, or in which any motion, order or judgment may be made or entered at the special term, and no other case shall be tried, or motion, order or judgment entered therein, unless by agreement of parties. Grand or petit juries may be summoned for any special term by direction of the judge.

§ 17. The regular term of each court shall commence in each county at the following named time, and continue, if the business require it, the number of days hereinafter prescribed. In the first district:

§ 18. All actions and proceedings pending in the criminal, chancery or common pleas court of any county, and all the jurisdiction of such courts, shall, when said courts expire, vest in the circuit court of such county, and the clerk of the circuit court in each county shall, immediately upon the expiration of said courts, take possession of all the books and papers in the office or possession of the clerk of such courts, and pertaining to said office, and thereafter have the same rights and powers, and discharge the same duties with reference to said actions and proceedings, books and papers, as if they had been brought or pending in, or pertained to, the circuit court; and any writ, process or recognizance in an action, proceeding or prosecution now pending or commenced in any county in any of said courts, or the circuit court, shall be, and they are hereby, made returnable to the first day of the first term of the circuit court held in and for such county, as provided in this article.

§ 19. When, from any cause, the judge of the circuit fails to attend, or, being in attendance, can not properly preside in an action, proceeding or prosecution pending in said court, or if either party shall file with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may select one of the attorneys of the court to preside on the trial or hear the application, or hold the court for the occasion; and, on their failure to agree upon

an attorney, the attorneys of the court who are present and not interested, nor employed in the cause, shall elect an attorney of the court then in attendance, having the qualifications of a circuit judge, to hold the court for the occasion, who shall preside accordingly; and the judge so selected shall preside in all cases called during the term, in the absence of the regular judge, or in which he can not preside, except in those cases in which the special judge can not properly preside. The election shall be held by the clerk, and, in case of a tie, he shall give the casting vote. The person elected shall, during the period that he acts, have all the powers and be subject to all the responsibilities of a circuit judge.

§ 20. He shall be paid for his services seven dollars per day; but a special judge shall not be paid for any services as such unless he is engaged at least one day, nor unless the period of his service shall be certified by an order made by the regular judge from his own knowledge or proof heard in open court.

§ 21. If the person first elected to act as special judge fails or refuses to act, or can not properly preside, another election shall be held, in like manner, from time to time, until a suitable person is chosen who can and will preside. The parties to an action may agree upon a person to preside, and he shall have the same power, and be paid in the same manner, as if elected by the attorneys of the court.

§ 22. In the absence of the regular judge, or when he can not preside, if the parties can not agree upon an attorney to act as judge who is present, or the bar fail or refuse to elect, the clerk shall at once notify the Governor, who shall appoint as circuit judge an attorney having the qualifications of a circuit judge to hold the court or try the case, and the judge so appointed shall have all the powers of the regular judge, and receive the same compensation as a special judge, and ten cents per mile in going to and returning from the court; and he may, if necessary, hold a special term to try any case, after such notice or order, as required when a special term is held.

§ 23. Every judge of a court, and every special judge, before entering on the discharge of his duties, must, in addition to the oath prescribed by the Constitution, take an oath as follows: "I, A B, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as judge, according to the best of my abilities."

§ 24. The commission of judges, the selection of special judges, the reason of such selection, and the fact that the requisite oaths have been taken, must be entered on the order-book of the court.

§ 25. If a court does not sit at any term, or does not continue to sit the whole term, or shall not, before the end of the term, have disposed of the business in court, such business as is not

disposed of shall stand continued until the succeeding term, without any special order or fee to the clerk.

§ 26. If, after a court has been opened at any term, it does not, from any cause, sit on any day of the term, there shall be no discontinuance of the court, or of the business pending in the court; but so soon as the cause is removed the court may proceed.

§ 27. The Franklin Circuit Court shall have jurisdiction, in behalf of the Commonwealth, of all causes, suits and motions against clerks of courts, collectors of public money, and all public debtors or defaulters, and others claiming under them; and for this purpose its jurisdiction shall be coextensive with the State.

§ 28. Upon the death of a circuit judge, or when from any cause the office is vacant, or when the judge is absent, his successor, no matter how chosen, may sign any orders of court left unsigned by his predecessor, the same as his predecessor might have done.

§ 29. Appeals may be taken to the circuit court from all orders and judgments of the fiscal court or quarterly court in civil cases, where the value in controversy, exclusive of interest and costs, is over twenty-five dollars, and from all judgments of the county court where the amount in controversy is over fifty dollars, exclusive of interest and cost; and from all judgments and orders of said court in cases of bastardy, or in the settlement of the accounts of personal representatives, assignees, guardians, trustees, curators and other fiduciaries, and from orders granting, revoking or refusing letters testamentary or of administration, or appointing or refusing to appoint, or removing curators, guardians, trustees or committees of estates, or granting or refusing to grant druggist, tavern or liquor license, and from judgments in proceedings to condemn land for any purpose, and in all other cases allowed by law.

ARTICLE III. QUARTERLY COURTS.

§ 30. The quarterly court shall be presided over by the county judge, and there shall be held in each county four terms of the quarterly court each year, at intervals of three months, and upon such days as the county judge may, by an order entered on the quarterly court order-book fix, and the terms when so fixed shall not be changed except at the last regular term held in the year next preceding the year in which the change is to be made; and until changed as herein provided, the terms of the courts shall remain as now established; at each term, the court shall remain in session as long as the business requires it.

§ 31. The quarterly court in civil cases shall have jurisdiction concurrent with justices and city or police courts of all actions within its county for the recovery of money or personal property, where the value in controversy is one hundred dollars or

under, exclusive of interest and costs, and concurrent jurisdiction with circuit courts of all such actions where the value in controversy is over fifty and not more than two hundred dollars exclusive of interest and costs.

§ 32. If, in any action in the quarterly courts, it shall appear, during the pendency thereof, that the title to real property is involved in the controversy, it shall be the duty of the court, on the motion of either party to the action, to make an order transferring it to the circuit court of the county, and to deliver the original papers and certified copies of all orders made in the action, to the clerk of the circuit court, who shall docket the same, and on which the same proceedings shall be had as though the action had been brought originally in that court; but if judgment be rendered by the quarterly court, the title to any real estate involved therein shall not be affected thereby.

§ 33. Quarterly courts shall have jurisdiction within their several counties concurrent with the justices' courts of motions against constables and their sureties, or any one of them, or the personal representatives of any one or more of them, jointly with the survivors, for any money collected by them on an execution, order of sale, or fee-bill, or other process, or on any note or account, or other claim put into their hands for collection, and which, on demand, they shall neglect or refuse to pay.

§ 34. Appeals may be taken to the quarterly court from all judgments and orders of justices', fiscal, city or police courts, when the value in controversy is over ten dollars, exclusive of interest and costs.

§ 35. The judge of the quarterly court shall keep a record of all his official acts out of term time, and shall keep a docket, order-book and execution book, in which shall be recorded, as clerks are required to do, the proceedings of the court, and shall fix a rule day for the return of executions and other process. The record-books shall be paid for by the county. He may appoint a clerk of his court, who shall have power to file papers and issue all process.

§ 36. The law relating to the election of special judges of circuit courts shall apply to elections of special judges of the quarterly court, except that any person having the qualifications of the county judge may be elected special judge of the quarterly court, and the judge of the quarterly court may refuse to preside or be sworn off the bench in the same manner and for the same cause as a judge of the circuit court.

ARTICLE IV. COUNTY COURT.

§ 37. The county court shall have jurisdiction to probate wills, appoint and remove personal representatives, guardians, trustees, committees, curators and other fiduciaries, to grant tavern, drug and liquor licenses, and such other jurisdiction as may be conferred upon it by law.

§ 38. There shall be a regular term of the county court held by the county judge in each county once every month, on Monday, and until changed as herein provided, shall be held on the same day it now is. The time of holding the county court in any county may be changed by an order made by the county judge, and entered upon the records of the county court at the last regular term held in the year next preceding the year in which the change is to be made. Special terms of the county court may be held at any time for the transaction of any business except the probating of a will, or granting tavern, liquor or druggist license; and the court may adjourn from time to time until the business is disposed of, but no adjournment shall be to a time beyond the commencement of the next regular term.

§ 39. Whenever the county judge shall be absent, or unable, from any cause, to attend or hold the county court, or preside at any trial or prosecution, or when either party to any action, motion, application, prosecution or proceeding pending before him, shall file with the clerk of the county court his affidavit that the judge will not afford him a fair and impartial trial, it shall be the duty of the county clerk to at once give notice of the fact to the justice of the peace of the county residing nearest to the court-house, who shall, upon such notice, hold the court, and a justice who holds the court shall be invested, for that purpose, with all the powers conferred upon the county judge, and shall for his services be paid by the county a reasonable compensation.

§ 40. The judge shall cause all orders and judgments of the county court to be spread by the county clerk upon the record-book to be kept for that purpose. The records shall show the day upon which the court was held, and by whom, and shall be signed by the county judge, or the special judge who presided when the record was made; and if the regular judge should, for any cause, fail to sign the records, they may be signed by his successor, and if the special judge should, for any cause, fail to sign the records made by him, they may be signed by the regular judge.

ARTICLE V. COUNTY JUDGE.

§ 41. The county judge shall, before entering upon the discharge of his duties, take an oath to faithfully discharge the duties of his office, and shall, before entering upon the discharge of the duties of his office, and every two years thereafter, execute, before the clerk of the circuit court of the county, bond, with good sureties, to be approved by the clerk, to the effect that he will faithfully discharge all the duties of his office. Each bond shall be filed in the office of the county clerk, and an entry of the fact that it was approved, together with the names of the sureties, shall be made in the order-book of the county court by the county clerk; each bond shall also be examined and ap-

proved by the circuit judge, and the fact noted of record, and he shall have power to require the execution of a new bond or additional surety when it is necessary.

§ 42. The county judge shall make settlements with personal representatives, trustees, assignees, committees, curators and guardians in his county; or may, if he thinks proper, appoint a special commissioner to make such settlements. Evidence may be heard for or against any item, and all oral evidence shall be reduced to writing by him, and no evidence shall be presumed to have been heard except such as is reduced to writing and reported.

§ 43. He may interrogate fiduciaries, under oath, touching any matter connected with the settlement, and their statements shall be reduced to writing; and witnesses may be summoned at the instance of either party to give evidence when the settlement is made, or upon the trial of exceptions thereto, and their attendance may be coerced as in other cases.

§ 44. He shall in all cases be governed by law and justice, and shall allow no credit to a fiduciary for disbursements, fees or services without legal evidence to justify the same.

§ 45. He shall, when called on by a fiduciary, settle his accounts, and shall, once in each two years, require all fiduciaries to settle their accounts, unless there is an action pending in the circuit court for such settlement; and any fiduciary failing, without good cause therefor, when so notified, to settle his accounts, shall be fined by the judge, for each day he so fails or refuses after notice, ten dollars, to be collected by rule or other process; notice of the time and place of settlement shall be given by the judge to all residents of the county interested in the settlement.

§ 46. A report in writing of the settlement, showing each item of debit and credit, and the general result, shall be made by the judge or his commissioner, and returned, together with all evidence heard and vouchers filed, to the county court at its next regular term, and noted of record.

§ 47. The clerk shall indorse on the report the time of filing the same, and it shall lay over one term for exceptions, to be filed by any person interested. If no exceptions are filed by, or at the succeeding term of the court, the report shall, if approved, be recorded. If exceptions are taken, other evidence besides that reported may be heard, and the court shall, upon the whole case, reject, confirm, alter or amend the report, and, if confirmed, order it to be recorded. The vouchers accompanying the report shall not be recorded, but must be carefully kept on file with the report in the clerk's office. Any new evidence given in court must be reduced to writing and filed with the report. Settlements so made and recorded shall be *prima facie* evidence between the parties interested.

§ 48. It shall be the duty of the county judge to at least once in each year carefully inquire into the solvency of all the sure-

ties upon the bond of each fiduciary, and if, upon such inquiry, there is reason to believe that any bond is not amply sufficient to protect from all loss those interested, he shall at once give notice to such fiduciary that a new bond, or additional surety on the old one, is required, and upon the failure of such fiduciary to give said bond or surety within a reasonable time, to be fixed by the court, he shall be removed.

§ 49. No county judge shall prepare any pleadings to be filed or used in the quarterly or county courts of his own county, nor shall he practice as attorney-at-law in any court of his own county having jurisdiction inferior to either of the courts aforesaid. He shall not act as counsellor or attorney in any cause pending in a court of his own county by appeal from either of the quarterly or county courts, nor shall he bring or be engaged as attorney in any suit in his own county involving the settlement of the estate of a decedent or the accounts of a fiduciary. A violation of any of the provisions of this section shall work a forfeiture of his office of county judge. The office of the county judge shall be at the county seat, and be kept open at all reasonable hours for the transaction of business; and the duty of filing all papers and preserving the same shall attach to both the judge and clerk; and either may be held responsible for damage resulting from neglect in this particular.

§ 50. Neither the judge or clerk of the county court shall be appointed or act as personal representative, curator, guardian, assignee, trustee or committee in the county of his residence, and the acceptance of such appointment shall forfeit the office of the acceptor.

§ 51. The county judge may administer oaths, shall be a conservator of the peace within his county, and have all the power of a justice in penal and criminal proceedings, and may singly hold a court of inquiry in such proceedings.

§ 52. The county judge shall receive an annual salary, to be fixed at a reasonable amount by the fiscal court, and paid in quarterly installments by the county.

§ 53. When any person charged with a misdemeanor shall be lodged in jail in default of bail, it shall be the duty of the jailer to at once notify the county judge and county attorney of the fact, if the court in which the prisoner has been indicted, or before which he has been ordered to appear, is not in session.

§ 54. The judge shall thereupon direct the clerk of the circuit court to deliver to him a certified copy of the record in his possession by virtue of which the prisoner was arrested and is detained, and shall, upon receiving such record, order the prisoner to be brought before him at the court-house, and give notice of the fact to the county attorney, who shall prosecute. He shall give the accused notice of the charge against him, and proceed at once to try the case, or fix a day for its trial, and issue summons for such witnesses as may be needed by either party. If the prisoner has no attorney, and is too poor to employ one, the

court shall, at his request, appoint an attorney to defend him.

§ 55. The trial and proceedings after judgment shall be, in all respects, the same as if the case was tried in the circuit court.

§ 56. If at the end of any term of a circuit court there shall be persons in jail under indictment for misdemeanor, the court shall make an order transferring all such indictments to the county court, and the circuit clerk shall, immediately upon the adjournment, furnish a copy of the record in such cases to the county judge, who shall proceed to try such persons as hereinbefore provided.

§ 57. An appeal may be taken from the judgment of the county judge in misdemeanor cases as provided in the Criminal Code in appeals in misdemeanor cases.

ARTICLE IV. JUSTICES' COURTS.

§ 58. Each justice shall be a conservator of the peace, and, before he enters upon the discharge of the duties of his office, shall take an oath to faithfully discharge the duties thereof, and shall execute a bond, with good sureties, to be approved by the county judge, to the effect that he will faithfully discharge all the duties of his office. The bond shall be filed and recorded in the county clerk's office, and an entry made upon the order-book of the county court showing that the bond was executed and approved, and giving the names of the sureties therein. The county judge may at any time require a new bond or additional surety on the old one.

§ 59. Each justice of the peace shall hold a court in his district for the trial of civil causes once in every three months in each year; but in cities of the first, second and third class a court may be held monthly, the term to continue until the business is disposed of. The terms shall be fixed by an order of the county court entered of record, and when so fixed shall not be changed except at the last regular term of the county court held in the year next preceding the year in which the change is to be made. Until changed as herein provided, the terms shall be held upon the days now fixed.

§ 60. Justices' courts shall have jurisdiction concurrent with circuit and quarterly courts of this Commonwealth of all actions and proceedings for the recovery of money or personal property in civil cases where the matter in controversy does not exceed \$100, and shall have jurisdiction exclusive of circuit courts, and concurrent jurisdiction with quarterly courts in civil cases, of all actions and proceedings for the recovery of money or personal property when the value in controversy, exclusive of interest and costs, is \$50 or under, and shall have jurisdiction concurrent with the quarterly court of motions against constables for failing to discharge their duty, and such other jurisdiction as may be provided by law.

§ 61. A justice may administer oaths, issue subpoenas and original or final process in any case within his jurisdiction.

§ 62. Justices' courts are courts of record, and each justice shall keep an order-book and an execution-book, to be paid for by the county, in which he shall keep a full and fair record of his judicial proceedings. The order-book shall be signed by the justice at the end of each term. Said book shall at all times be properly indexed, and upon failure to keep such books he shall be fined not less than fifty nor more than one hundred dollars.

§ 63. All warrants and motions shall be docketed and tried, or continued in the order in which they appear in his record.

§ 64. Any justice who intends to be absent from the county in which he resides for more than one week, or if from any cause he is unable to act, shall deposit his records with some convenient justice who may act for him, and may grant any appeal or allow any traverse to be filed, give a certified copy of a judgment, or issue any process which the justice could who rendered the judgment. If the books are not deposited with another justice, any justice who can get possession thereof may, at any time during such absence or disability, act as if they were so deposited. If a justice shall vacate his office, the nearest justice to his residence may act, as is provided in this section, until the vacancy is filled. The successor of a justice may act on the judgments and records of his predecessor in the same manner that the latter could do were he still in office. When a justice is appointed or elected, the county court shall make an order directing what books of his predecessor shall be placed in his hands, and said books shall be delivered to him.

§ 65. If the records of a justice of the peace be destroyed or lost, and a judgment so destroyed or lost remain unsatisfied, the justice may, on reasonable notice to the adverse party, render a new judgment for whatever is due. The justice shall state in his record of such trials that the proceedings are founded on a judgment which has been lost or destroyed. An appeal lies from such judgment as in other cases.

§ 66. No justice shall sign, or knowingly permit his name to be signed, to a blank warrant, under pain of being fined ten dollars. On request, a justice shall give to any person desiring the same a certified copy of any record and proceedings in his custody, which copy shall be legal evidence.

§ 67. Justices shall have jurisdiction, exclusive of circuit courts, in all penal cases, the punishment of which is limited to a fine not exceeding twenty dollars, and jurisdiction concurrent with circuit courts of all penal cases, the punishment of which is limited to a fine not exceeding one hundred dollars, or imprisonment not exceeding fifty days, or both.

ARTICLE VII. CHANGE OF VENUE.

SUBDIVISION I. In circuit court.

SUBDIVISION II. In inferior court.

SUBDIVISION III. In criminal cases.

SUBDIVISION I. IN CIRCUIT COURT.

§ 68. The parties to any suit may, by consent, have an order in or out of court for its removal to any other court ; or a party to any civil proceeding, triable by a jury in a circuit court, may have a change of venue when it appears that, owing to the undue influence of his adversary in the county, or to the odium which attends himself, or his cause of action or defense, he can not have a fair trial.

§ 69. Before an order for a change of venue shall be made, ten days' notice shall be given to the party, if he is in this State ; if not, then to his agent or attorney, if he have one ; if none, then by leaving the notice with the clerk of the court in which the action is pending, who shall immediately indorse it filed, and put it with the papers in the action.

§ 70. Application for an order for a change of venue must be made by petition, verified by the affidavit of the party, supported by the affidavits of at least two credible housekeepers of the county in which the action is pending. The adverse party may file affidavits controverting the grounds relied upon for the change of venue, and the court may hear other evidence for or against the application, and shall exercise a sound discretion in deciding the question.

§ 71. A change of venue shall be made to the circuit court of an adjacent county most convenient to the parties to the action, their witnesses and attorneys, to which there is no valid objection ; and the order may be made subject to such equitable terms and conditions as safety to the rights of the parties may require, and the court or judge, in his discretion, may prescribe.

§ 72. The order shall be void, unless the party obtaining it, within ten days, pays to the clerk ten cents a mile going and returning for the expense of travel in making the removal.

§ 73. Immediately on the making, or receipt, of the order, the clerk shall make out a transcript of the orders pertaining to the cause, which, with the original papers therein, he shall, as soon as practicable, carry or send by some discreet person to the clerk of the court to which the cause is removed, the former clerk being responsible for the conduct of the person employed.

§ 74. If the papers are transferred ten days before the first day of the next term of the court to which the cause is removed, it shall stand for trial at that term, otherwise, not until the term next succeeding.

§ 75. The court to which the cause is removed shall have the same power as to its trial and final disposition as that from which it came.

§ 76. There shall not be more than one order of removal of the same cause at the instance of the same party, nor shall the court entertain more than one application for a removal of a cause by the same party.

§ 77. At the appearance term of a civil suit, if a party desires

a change of venue, he shall state the facts and reasons therefor in an affidavit, which shall be good cause for a continuance, if deemed sufficient by the court, provided the application for a change of venue be made during the term.

§ 78. If in a chancery case, or an action or motion to be tried by the court, the regular judge can not preside, and a special judge is not agreed upon or elected, the regular judge may transfer the case or action or motion to the most convenient county in an adjoining circuit, where it shall be disposed of as if originally brought in that court.

SUBDIVISION II. IN INFERIOR COURTS.

§ 79. Change of venue of any and all causes and motions pending in any county or quarterly court shall be granted in the same manner, under the same limitations and restrictions, and for the same causes, as are prescribed in this article authorizing changes of venue in civil cases in the circuit court. The change of venue shall be made to the circuit court of the county in which the cause or motion may be pending, unless there be a legal ground of objection to the judge of the circuit court, or to the trial of the cause or motion in that county, in which case the change of venue shall be awarded to the circuit court of the nearest county to which the objection does not apply; and the mode of trial and rules of procedure shall be the same prescribed for the trial of such cause or motion in the court from whence the same may be removed, so far as the same are applicable.

§ 80. When any change of venue shall be so ordered, the judge or clerk of the county or quarterly court, as the case may be, shall send the original papers, together with a transcript of all orders which have been made in the cause or motion, to the clerk of the court to which the change of venue is awarded; and upon disposing of the matter the court, according to the nature of the case, shall direct whether the original papers shall remain, or whether they shall be remanded to the court from whence they came. When they are remanded the clerk of the circuit court shall retain a special statement of the taxation of costs, and return the original papers, with copies of all orders made in the premises by the circuit court, to the court from whence they came; and when any paper is so returned, which, according to the order or judgment of the circuit court, ought to be recorded in the county court office, it shall be so recorded by the county court clerk, together with so much of the order of the circuit court as shall be necessary to place the same properly on record.

§ 81. A party to a suit pending before a justice or police or city judge shall have a change of venue to another justice of the same county when he shall make oath that he believes he can not have a fair trial in the court in which the cause is pend-

ing, and the cause may be tried out of term time by the justice to whose court it is removed.

§ 82. If the justice before whom a cause is returned for trial does not attend, or can not try the same, any other justice of the same county may attend and try and decide the cause.

SUBDIVISION III. IN CRIMINAL CASES.

§ 83. When a criminal or penal prosecution is pending in any circuit court, the judge thereof shall, upon the application of the defendant or the Commonwealth, order the trial to be had in some other adjacent county to which there is no valid objection, if it appears that the defendant or the Commonwealth can not have a fair trial in the county where the prosecution is pending; and if the judge is satisfied that a fair trial can not be had in an adjacent county, he may order the trial to be had in the most convenient county in which a fair trial can be had.

§ 84. Such application, if made by the defendant, must be made by petition in writing, verified by the defendant; and the applicant must produce and file the affidavits of at least two other credible persons, not of kin to nor of counsel for the defendant, stating that they are acquainted with the state of public opinion in the county or counties objected to, and that they verily believe the statements of the petition for such change of venue are true; and the attorney for the Commonwealth, or, in his absence from the county, the county attorney, must have reasonable notice, in writing, of such application. If objections are taken and sustained to all the adjoining counties, then the change shall be made to the nearest county to which there is no valid objection, giving preference to counties of the same judicial district. The application must be made and determined upon in open court, during a regular or called term, and the court shall, on said motion, hear all the witnesses that may be produced by either party, and from the evidence determine whether or not the applicant is entitled to a change of venue.

§ 85. If the application is made by the Commonwealth, a petition, stating the reasons therefor, and signed by the Commonwealth's attorney, shall be filed in court, and reasonable notice in writing of the time when the application will be made must be given to the defendant, or, if he be absent from the county, to his attorney; and the application shall be heard and determined as provided in the next preceding section.

§ 86. Whenever any judge shall be satisfied from his own knowledge, and from the written statement of the Commonwealth's attorney, that such a state of lawlessness exists in any county that the officers will be prevented from discharging their duty, or the jurors be deterred from rendering an impartial verdict, he may order the prosecution removed to some other county in which a fair trial can be had, and the fiscal court of the county from which such removal is made shall allow and pay the costs thereof out of the county levy.

§ 87. If the applicant or defendant is in custody, the order for the change of venue shall be accompanied by an order for his removal by the sheriff or jailer of the county, with such sufficient guard as the judge may direct, and his delivery to the jailer of the county where the trial is to be had. If the applicant or defendant is under recognizance or bond for his appearance, he shall, before the order is granted, give sufficient bail for his appearance at the proper court, or be surrendered into the custody of the proper officer.

§ 88. The court shall also take recognizances of the witnesses for their appearance at the proper court, and make such orders as may be deemed necessary to a fair, full and speedy trial upon the merits of the case.

§ 89. When the prosecution is so removed, the clerk of the court shall immediately transmit the original papers, together with a transcript of the orders pertaining thereto, to the clerk of the court to which the removal is ordered, after making out and retaining a copy of such original papers. The transfer shall be made by the clerk, his deputy, or some discreet person for whom the clerk shall be responsible. The applicant, if the defendant, shall, before such order of removal is made, pay the clerk for making such copy, and also ten cents a mile for necessary travel in going and returning in making such transfer.

§ 90. If one, or some only, of several defendants charged in the same indictment, apply for or be allowed the change of venue, the original indictment shall be retained, and a certified copy sent, which shall serve in lieu of the original.

§ 91. The court to which the removal is so made shall have the same jurisdiction to dispose of the case as the court has from which it was removed; and if the indictment be quashed or *nolle prosequi* entered, a new indictment may be found, from time to time, by a grand jury of the county to which the removal is made, and the same prosecuted until the case is finally disposed of, as though the offense had been committed in that county.

§ 92. Not more than one change of venue, or application therefor, shall be allowed to any person or the Commonwealth in the same case.

§ 93. If the change of venue is granted to, or on the application of the Commonwealth, all the costs of the removal shall be paid by the county from which the removal is had, in the same manner as other claims against the county are paid.

§ 94. In any criminal or penal prosecution pending before the county judge, or a justice, or police or city judge, either party may have a change of venue to a justices' court for the same reasons that a change may be granted in civil cases pending in justices' courts; and if a change is granted, the trial shall be had before the justice to whose court the case is transferred, in the manner provided for the trial of civil cases.

§ 95. Because of the fact that the State has been divided into

new judicial districts, and judges and Commonwealth attorneys have been elected therein, who will enter upon the discharge of their duties on January 1, 1893, and courts must be then held in said new districts, and because the public good demands that the jurisdiction and powers of the several courts of Kentucky be fixed as soon as possible, an emergency is hereby declared to exist; and this act shall take effect when approved by the Governor.

Mr. Hanks offered an amendment to section 13 as follows:

Strike out the word "tipstaff."

Which was agreed to.

The Committee on Circuit Courts offered an amendment as follows:

Amend line 7, section 14, article 2, by inserting after the word "debt" the following: "The name of the court shall correspond with that of the county in which it is held."

Which was agreed to.

Said committee offered an amendment to section 16 as follows:

Amend line 1, section 16, article 1, by striking out the words "except the county of Jefferson," and insert in lieu thereof the following: "Except counties having courts of continuous session."

Same section, line 16, insert after the word "summoned" the following: "As provided by law."

Which was agreed to.

Said committee offered the following amendment to section 17:

Amend section 17, article 2; add the following:

First District—Fulton county, at Hickman, on the third Monday in January, twelve juridical days; first Monday in May, twelve juridical days; first Monday in September, eighteen juridical days. Hickman county, at Clinton, on the first Monday in February, twelve juridical days; third Monday in May, twelve juridical days; fourth Monday in September, eighteen juridical days. Carlisle county, at Bardwell, on the third Monday in February, twelve juridical days; first Monday in June, twelve juridical days; third Monday in October, eighteen juridical days. Ballard county, at Wickliffe, on the first Monday in January, twelve juridical days; third Monday in April, twelve juridical days; second Monday in August, eighteen juridical days. Graves county, at Mayfield, on the first Monday in March, thirty-six juridical days; third Monday in June,

forty-two juridical days ; second Monday in November, forty-two juridical days.

Second District—Marshall county, at Benton, on second Mondays in March, June and October, eighteen juridical days each. McCracken county, at Paducah, on the first Monday in January, forty-eight juridical days ; first Monday in April, thirty-six juridical days ; first Monday in August, forty-eight juridical days ; and first Monday in November, thirty-six juridical days.

Third District—Calloway county, at Murray, on the second Mondays in April and November, eighteen juridical days each ; and the first Monday in August, twelve juridical days. Trigg county, at Cadiz, on the first Mondays in February and September, eighteen juridical days each ; and third Monday in May, twelve juridical days. Christian county, at Hopkinsville, on the fourth Mondays in February and September, thirty-six juridical days each ; and first Monday in June, twenty-four juridical days. Lyon county, at Eddyville, on the first Monday in May, third Monday in August, and first Monday in December, twelve juridical days each.

Fourth District—Livingston county, at Smithland, on the third Monday in April, first Monday in September and first Monday in December, eighteen juridical days each. Crittenden county, at Marion, fourth Mondays in March and June, and second Monday in November, eighteen juridical days each. Caldwell county, at Princeton, on the first Mondays in March and June and third Monday in October, eighteen juridical days each. Hopkins county, at Madisonville, on the second Mondays in February and May and fourth Monday in September, eighteen juridical days each.

Fifth District—Union county, at Morganfield, three terms, beginning on the first Mondays in March, July and November, and lasting each twenty-four juridical days. Henderson county, at Henderson, three terms, beginning on the first Mondays in January, May and September, and lasting each eighteen juridical days for the trial of criminal and penal causes, and any time not needed during said eighteen juridical days for the trial of penal and criminal causes the court may devote to the hearing of motions and trial of chancery causes, three terms, beginning on the first Mondays in January, May and September, and lasting each thirty juridical days for the trial of civil cases alone. Webster county, at Dixon, three terms, beginning on the first Mondays in April, August and December, and lasting each twenty-four juridical days.

Sixth District—McLean county, at Calhoun, three terms, first Mondays of January and May, twelve juridical days each ; third Monday in September, twelve juridical days. Daveiss county, at Owensboro, three civil terms, beginning third Monday in January, thirty-six juridical days ; first Mondays in June and October, thirty-six juridical days each, and three criminal terms (only), second Mondays in April and December, eighteen juridi-

cal days each, and fourth Monday in August, eighteen juridical days. Ohio county, at Hartford, four terms, beginning first Mondays in March and August, eighteen juridical days each; third Mondays in March and November, twelve juridical days each. Hancock county, at Hawesville, three terms, beginning fourth Monday in March, twelve juridical days; third Monday in July, twelve juridical days; fourth Monday in December, six juridical days.

Seventh District—Simpson county, at Franklin, on the first Mondays in March and November, and third Monday in June, eighteen juridical days each. Todd county, at Elkton, on the fourth Monday in March and second Monday in July, and first Monday in December, eighteen juridical days each. Logan county, at Russellville, on the first Monday in February, twenty-four juridical days; third Monday in May, twenty-four juridical days; fourth Monday in September, twenty-four juridical days. Muhlenberg county, at Greenville, on the second Monday in January and third Monday in April, first Monday in September, twenty-four juridical days in April, eighteen juridical days in January and September each; twenty-four juridical days in April; eighteen juridical days in January and September each.

Eighth District—Warren county, at Bowling Green, on the third Monday in January, eighteen juridical days; on the first Monday in April, thirty juridical days; on the fourth Monday in August, twenty-four juridical days; and on the third Monday in November, twenty-four juridical days. Butler county, at Morgantown, on the first Monday in January, twelve juridical days; on the second Monday in May, twelve juridical days; and on the fourth Monday in September, eighteen juridical days. Allen county, at Scottsville, on the third Monday in February, twelve juridical days; on the fourth Monday in May, twelve juridical days; and the third Monday in October, twelve juridical days. Edmonson county, at Brownsville, on the second Monday in March, twelve juridical days; on the second Monday in June, twelve juridical days; and on the first Monday in November, twelve juridical days.

Ninth District—Grayson county, at Leitchfield, on the first Monday in January, eighteen juridical days; on the first Monday in April, eighteen juridical days; first Monday in September, eighteen juridical days. Meade county, at Brandenburg, on the fourth Mondays in January, April and September, twelve juridical days each. Breckinridge county, at Hardinsburg, on the second Mondays in February, May and October, eighteen juridical days each. Hardin county, at Elizabethtown, on the first Mondays in March, June and November, twenty-four juridical days each for the March and June terms, and thirty-six juridical days for the November term.

Tenth District—Barren county, at Glasgow, on the first Monday in March, eighteen juridical days; third Monday in June,

twenty-four juridical days ; third Monday in November, twenty-four juridical days. Hart county, at Munfordsville, on the first Monday in January, eighteen juridical days ; second Monday in April, eighteen juridical days ; third Monday in September, eighteen juridical days. Larue county, at Ogdenville, on the fourth Monday in January, twelve juridical days ; first Monday in May, twelve juridical days ; second Monday in October, twelve juridical days. Nelson county, at Bardstown, on the second Monday in February, eighteen juridical days ; third Monday in May, twenty-four juridical days ; fourth Monday in October, eighteen juridical days. Bullitt county, at Shepherdsville, on the fourth Monday in March, twelve juridical days ; first Monday in September, twelve juridical days ; third Monday in December, twelve juridical days.

Eleventh District—Green county, at Greensburg, on the third Mondays in March, June and November, twelve juridical days for March ; eighteen juridical days for June and November. Taylor county, at Campbellsville, on the first Mondays in January, April and September, eighteen juridical days each. Marion county, at Lebanon, on the fourth Mondays in January, April and September, twenty-four juridical days each, and first Monday in August, twelve, juridical days each, for equity business only. Washington county, at Springfield, on the fourth Mondays in February, May and October, eighteen juridical days each.

Twelfth District—Henry county, at New Castle, on the first Mondays in January, May and September, twelve juridical days each. Shelby county, at Shelbyville, on the third Mondays in January, May and September, eighteen juridical days in January and September, and twelve juridical days in May. Trimble county, at Bedford, on the second Mondays in February and October, twelve juridical days each, and second Monday in June, six juridical days. Spencer county, at Taylorsville, on the first Mondays in March and November, twelve juridical days each, and first Monday in June, six juridical days. Oldham county, at Lagrange, on the third Mondays in March and November, twelve juridical days each, and third Monday in June, six juridical days. Anderson county, at Lawrenceburg, on the second Mondays in April and December, and third Monday in August, twelve juridical days each.

Thirteenth District—Mercer county, at Harrodsburg, on the first Monday in February, second Monday in May, and first Monday in October, eighteen juridical days each. Boyle county, at Danville, on the third Monday in January, twelve juridical days ; third Monday in April, eighteen juridical days, and second Monday in September, eighteen juridical days. Lincoln county, at Stanford, on the fourth Monday in February, first Monday in June, and fourth Monday in October, twelve juridical days in February, and eighteen juridical days in June and October. Garrard county, at Lancaster, on the second Monday

in March, third Monday in August, and third Monday in November, eighteen juridical days in March and August, and twelve juridical days in November.

Fourteenth District—Franklin county, at Frankfort, on the first Mondays in January and April, twenty-four juridical days each, and second Monday in September, eighteen juridical days. Woodford county, at Versailles, on the fourth Mondays in February and May, twelve juridical days each, and fourth Monday in October, eighteen juridical days. Scott county, at Georgetown, on the first Mondays in February, May and October, eighteen juridical days each. Bourbon county, at Paris, on the second Mondays in March and June, fourth Monday in November, eighteen juridical days each.

Fifteenth District—Owen county, at Owenton, on the fourth Mondays in February, June and October, eighteen juridical days each. Boone county, at Burlington, on the second Mondays in April, August and December, twelve juridical days each. Carroll county, at Carrollton, on the third Mondays in January, May and September, twelve juridical days each. Grant county, at Williamstown, on the first Mondays in February, June and October, eighteen juridical days each, except June, which is twelve juridical days. Gallatin county, at Warsaw, on the third Mondays in March, July and November, twelve juridical days each.

Sixteenth District—Kenton county, in continuous session.

Seventeenth District—Campbell county, in continuous session.

Eighteenth District—Pendleton county, at Falmouth, on the second Mondays in January and April and third Monday in October, eighteen juridical days each. Harrison county, at Cynthiana, on the fourth Mondays in February and May, first Monday in September and second Monday in November, eighteen juridical days each. Nicholas county, at Carlisle, on the first Mondays in February and May, and fourth Monday in September, eighteen juridical days each. Robertson county, at Mt. Olivet, on the third Mondays in March and August, and first Monday in December, twelve juridical days each.

Nineteenth District—Bracken county, at Brooksville, on the second Mondays in March, July and October, eighteen juridical days each. Mason county, at Maysville, on the first Mondays in February and June, thirty juridical days each; third Monday in November, thirty juridical days. Fleming county, at Flemingsburg, on the first Monday in January, twelve juridical days; Tuesday after the fourth Monday in April, seventeen juridical days; third Monday in September, eighteen juridical days. Lewis county, at Vanceburg, on the third Mondays in January and May, twelve juridical days each; first Monday in September, twelve juridical days. Greenup county, at Greenup (C. H.), on the first Mondays in April, August and November, twelve juridical days each.

Twentieth District—Lawrence county, at Louisa, on the first

Monday in January, second Monday in April and fourth Monday in August each year, and continue eighteen juridical days each term. Boyd county, at Catlettsburg, on the Monday succeeding the termination of the Lawrence circuit court, and continue eighteen juridical days. Elliott county, at Martinsburg, on the third Monday in February, fourth Monday in May and third Monday in October each year, and continue twelve juridical days each term. Carter county, at Grayson, on the Monday succeeding the termination of the Elliot circuit court, and continue eighteen juridical days. Morgan county, at West Liberty, on the Monday immediately succeeding the termination of the Carter circuit court, and continue twelve juridical days.

Twenty-first District—Bath county, at Owingsville, on the third Monday in February, eighteen juridical days; second Monday in May, eighteen juridical days; first Monday in October, eighteen juridical days. Montgomery county, at Mt. Sterling, on the third Monday in January, second Monday in April, and first Monday in September, twenty-four juridical days each. Rowan county, at Morehead, second Monday in March, first Monday in June, and fourth Monday in October, twelve juridical days each. Menefee county, at Frenchburg, on the fourth Monday in March, third Monday in June, and second Monday in November, twelve juridical days each.

Twenty-second District—Fayette county in continuous session.

Twenty-third District—Lee county, at Beattyville, first Monday in January, second Monday in April and first Monday in September, twelve juridical days each. Wolfe county, at Compton, on the Monday succeeding each Lee term, and continuing twelve juridical days each. Magoffin county, at Salyersville, on the Monday succeeding each Wolfe term, and continuing twelve juridical days each. Breathitt county, at Jackson, first Monday in March, June and November, eighteen juridical days each. Estill county, at Irvine, fourth Monday in March, June and November, twelve juridical days each.

Twenty-fourth District—Johnson county, at Paintsville, fourth Monday in January, third Monday in May and August, twelve juridical days each. Floyd county, at Prestonburg, on the second Monday in February, first Monday in June and September, eighteen juridical days. Martin county, at Eden (Inez P. O.), on the second Monday in January, first Mondays in May and August, twelve juridical days each. Pike county, at Pikeville, on the first Monday in March, and fourth Mondays in June and October, twenty-four juridical days each. Knott county, at Hindman, on the first Monday in April, fourth Mondays in July and September, twelve juridical days each.

Twenty-fifth District—Jessamine county, at Nicholasville, on the second Monday in January, twelve juridical days; fourth Monday in March, twelve juridical days; third Monday in October, twelve juridical days. Madison county, at Richmond,

fourth Monday in January, eighteen juridical days (this term is for exclusively civil business), second Monday in April, twenty-four juridical days; on first Monday in September, eighteen juridical days; first Monday in December, eighteen juridical days. Clark county, at Winchester, on the first Monday in March, eighteen juridical days; second Monday in May, twenty-four juridical days; fourth Monday in October, eighteen juridical days; third Monday in November, twelve juridical days (this term is for exclusively civil business). Powell county, at Stanton, on third Monday in February, twelve juridical days; second Monday in June, eighteen juridical days; on first Monday in November, twelve juridical days.

Twenty-sixth District—Bell county, at Pineville, on the first Mondays in January, July and October, thirty juridical days each. Harlan county, at Harlan Court-House, on the second Mondays in February, August and November, twelve juridical days each. Letcher county, at Whitesburg, on the fourth Mondays in February, August and November, twelve juridical days each. Perry county, at Hazard, on the second Mondays in March, September and December, twelve juridical days.

Twenty-seventh District—Jackson county, at McKee, on the first Monday in January, third Monday in August, twelve juridical days each, and fourth Monday in May, six juridical days each. Owsley county, at Booneville, on the third Monday in January, third Monday in October, twelve juridical days each, and first Monday in June, six juridical days. Laurel county, at London, on the second Monday in February, and fourth Monday in September, eighteen juridical days each, and second Monday in June, twelve juridical days. Clay county, at Manchester, on the first Monday in March, third Monday in November, eighteen juridical days each, and fourth Monday in June, twelve juridical days. Leslie county, at Hyden, on the fourth Monday in March, eighteen juridical days; second Monday in July and first Monday in November, twelve juridical days each. Knox county, at Barbourville, on the third Monday in April, first Monday in September, and second Monday in December, eighteen juridical days each.

Twenty-eighth District—Rockcastle county, at Mt. Vernon, on the second Monday in February, twelve juridical days; fourth Monday in May, six juridical days; third Monday in September, twelve juridical days. Pulaski county, at Somerset, on the fourth Monday in June, twelve juridical days; fourth Monday in March, eighteen juridical days; first Monday in November, twenty-four juridical days. Wayne county, at Monticello, on the second Monday in March, twelve juridical days; third Monday in June, six juridical days; third Monday in October, twelve juridical days. Whitley county, at Williamsburg, on the second Monday in January, twenty-four juridical days; second Monday in May, twelve juridical days; third Monday in August, twenty-four juridical days. Clinton, at Albany, on the

fourth Monday in February, twelve juridical days ; second Monday in June, six juridical days ; first Monday in October, twelve juridical days.

Twenty-ninth District—Adair county, at Columbia, on the Mondays in January, May and September, twelve juridical days each. Russell county, at Jamestown, on the third Mondays in February, June and October, twelve juridical days each. Cumberland county, at Burksville, on the third Mondays in March, July and November, twelve juridical days each. Monroe county, at Tompkinsville, on the first Mondays in February, June and October, twelve juridical days each. Metcalfe county, at Edmonson, on the first Mondays in March, July and November, twelve juridical days each. Casey county, at Liberty, on the first Mondays in April, August and December, twelve juridical days each.

Thirtieth District—Jefferson county, continuous session.

Mr. Quigley offered the following substitute for subdivision 5 of said amendment, viz :

Fifth District—Union county, at Morganfield, three terms, beginning on the first Mondays in March, July and November, and lasting each twenty-four juridical days. Henderson county, at Henderson, three terms, beginning on the first Mondays in January, May and September, and lasting each forty juridical days. Webster county, at Dixon, three terms, beginning on the first Mondays in April, August and December, and lasting each twenty-four juridical days.

Which was agreed to.

Mr. Birkhead offered the following as a substitute for subdivision 6 of said amendment, viz :

Sixth District—McLean county, at Calhoun, three terms, first Mondays of January and May, twelve juridical days each ; third Monday in September, twelve juridical days. Daveiss county, at Owensboro, three terms, beginning third Monday in January, thirty-six juridical days, first Mondays in June and October, thirty six juridical days each, and three terms, second Mondays in April and December, eighteen juridical days each, and fourth Monday in August, eighteen juridical days. Ohio county, at Hartford, four terms, beginning first Mondays in March and August, eighteen juridical days each ; third Mondays in May and November, twelve juridical days each. Hancock county, at Hawesville, three terms, beginning fourth Monday in March, twelve juridical days, third Monday in July, twelve juridical days ; fourth Monday in December, six juridical days.

Which was agreed to.

Mr. Beard offered an amendment to subdivision 12 of said amendment as follows :

Strike out the words after the word " March," in line 9, down

to and including word "and," in line 10, and insert the words "twelve juridical days, first Monday in June six juridical days, and on Wednesday after the first Monday in November ten juridical days."

Which was agreed to.

Mr. Halbert offered the following substitute for subdivision 20 of said amendment, viz :

Twentieth District—Lawrence county, at Louisa, on the first Mondays in January, May and September, and continue eighteen juridical days each. Boyd county, at Catlettsburg, on the fourth Mondays in January, May and September, and continue eighteen juridical days each. Elliott county, at Martinsburg, on the third Monday in February, June and October, and continue twelve juridical days each. Carter county, at Grayson, on the first Mondays in March, July and November, and continue eighteen juridical days each. Morgan county, at West Liberty, on the fourth Mondays in March, July and November, and continue eighteen juridical days each.

Which was agreed to.

Mr. Gay offered the following substitute for subdivision 25 of said amendment, viz :

Twenty-fifth District—Madison county, at Richmond, on the third Monday in January, eighteen juridical days ; on the first Monday in April, twenty-four juridical days ; on the first Monday in September, twenty-four juridical days. Clark county, at Winchester, on the second Monday in February, eighteen juridical days ; on the first Monday in May, twenty-four juridical days ; on the first Monday in October, twenty-four juridical days. Jessamine county, at Nicholasville, on the first Mondays in March and June, twelve juridical days each ; on the second Monday in November, twelve juridical days. Powell county, at Stanton, third Monday in March, twelve juridical days ; third Monday in June, eighteen juridical days ; on the fourth Monday in November, twelve juridical days.

Which was agreed to.

Mr. Caudill offered the following substitute for subdivision 26 of said amendment, viz :

Twenty-sixth District—Bell county, at Pineville, on the first Mondays in January, twenty-four juridical days, first Mondays in July, eighteen juridical days, first Monday in October, thirty juridical days. Harlan county, at Harlan Court-house, first Monday in February, second Mondays in August and November, twelve juridical days each. Letcher county, at Whitesburg, on the third Monday in February, fourth Mondays in August and

November, twelve juridical days each. Perry county, at Hazard, on the first Monday in March, second Mondays in September and December, twelve juridical days each.

Which was agreed to.

Said amendment, as amended, to section 17, was agreed to.

Mr. O'Meara offered an amendment to section 20 of said bill as follows, viz :

Strike out "seven" in line one, and insert "eight."

Which was agreed to.

Mr. Hay offered an amendment to section 20 of said bill as follows, viz :

Strike out "at least one day," in line three, and insert in lieu thereof "in holding the court at least the whole of one day."

Which was agreed to.

The committee offered an amendment to section 29 of said bill as follows :

Amend section 29, article 2, by inserting after the word "dollars," in line four, the following: "And from justices' courts, where the value in controversy, exclusive of interest and costs, is over ten dollars."

Which was disagreed to.

Mr. Ferguson moved to amend section 31 of said bill as follows :

Strike out "two" in line seven, and insert "four."

Which was agreed to.

The yeas and nays being required thereon by Messrs. Ferguson and Birkhead, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	H. P. Lively,
Lewis Alexander, Sr.,	John Finn,	Eli Nicholls,
W. W. Ayres,	S. M. Gough,	J. F. Porter,
R. F. Bass,	U. G. Harlow,	C. D. Reed,
W. P. Beard,	A. L. Harned,	D. H. Severs,
B. F. Bennett,	P. R. Hays,	W. R. Stewart,
B. T. Birkhead,	B. B. Hensley,	J. R. Summers,
John Botts,	F. W. Hutcheson,	J. R. Thomas,
P. S. Bruner,	Henry Kremer,	John M. Tinsley—291
J. M. Dawson, Jr.,	Lewis Y. Leavell,	

Those who voted in the negative, were—

W. S. Bailey,	Geo. T. Halbert,	W. F. Peak,
John Bartman,	Thos. H. Hanks,	John Ryan,
Polk Cansler,	H. K. Hay,	S. H. Shouse,
B. E. Caudill,	Daniel James,	Lewis E. Thomas,
F. P. Combest,	T. S. Kirk,	D. W. Tribble,
R. F. Comer,	M. D. McInerney,	N. S. Walton,
L. J. Cox,	J. P. O'Meara,	R. B. Wilson—22.
D. B. Edmiston,		

And then, at 1 o'clock, P. M., the House adjourned.

THURSDAY, APRIL 13, 1893.

The House was opened with prayer by the Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	John Finn,	W. H. May,
Lewis Alexander, Sr.,	J. M. Frazee,	Eli Nicholls,
W. W. Ayres,	S. M. Gough,	W. F. Peak,
W. S. Bailey,	Geo. T. Halbert,	Thos. S. Pettit,
R. F. Bass,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	C. D. Reed,
B. F. Bennett,	A. L. Harned,	John Ryan,
B. T. Birkhead,	H. K. Hay,	D. H. Severs,
John Botts,	P. R. Hays,	S. H. Shouse,
P. S. Bruner,	B. B. Hensley,	C. C. Spalding,
Polk Cansler,	W. J. Hissem,	W. R. Stewart,
B. E. Caudill,	Daniel James,	J. R. Summers,
F. P. Combest,	W. W. Johnson,	Lewis E. Thomas,
R. F. Comer,	R. M. Kincheloe,	J. R. Thomas,
L. J. Cox,	T. S. Kirk,	John M. Tinsley,
J. S. Cullen,	William Krieger,	D. W. Tribble,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	H. P. Lively,	J. H. Welch—56.
McD. Ferguson,	C. W. Mathers,	

The following members were absent, viz :

T. J. Arnett,	J. C. Glenn,	Granville Philpot,
Posey D. Ball,	R. K. Hart,	E. M. Pryse,
John Bartman,	Berry Howard,	A. T. Pullen,
John T. Bashaw,	F. W. Hutcheson,	I. M. Quigley,
A. J. Carroll,	J. S. Joplin,	R. E. Roberts,
A. H. Charlton,	Henry Kremer,	Waller Sharp,
W. J. Cox,	John M. Letterle,	Fenton Sims,
Wesley Crow,	John S. May,	W. W. Stephenson,
James R. Dean,	Hiram McElroy,	Samuel O. Tate,
E. M. Dickson,	M. D. McInerney,	H. P. Whitaker,
J. E. Durham,	Harvey Myers,	B. F. Willett,
George Will. Follis,	W. F. Neat,	Geo. E. Willett,
Wm. Garrison,	J. P. O'Meara,	R. B. Wilson,
Ben. F. Gardner,	John Lee Payne,	John D. Woods—44.
J. P. Gay,	J. A. Perkins,	

The Journal of yesterday's proceedings was approved.

A message was received from the Senate, announcing that they had refused to concur in the amendments proposed by the House to a bill, which originated in the Senate, entitled

S. B. 214. An act concerning office and officer.

Mr. Severs moved that the House do insist upon its amendments, and that a committee be appointed by the Speaker, to ask for and act with a like committee on the part of the Senate, to take into consideration the matters of difference between the two Houses arising upon said bill.

Said motion was agreed to.

The Speaker appointed as the committee on the part of the House Messrs. Severs, Birkhead and Botts.

Mr. Mathers, from the Committee on Charitable Institutions, which originated the same, reported a bill, entitled

H. B. 513. A bill appropriating various sums of money for the several named improvements and repairs to be made at the Eastern Lunatic Asylum.

Which was read at length the first time, ordered to be printed, and read the second time on another day.

Mr. Bass, from the Committee on Internal Improvements, reported H. B. 495, entitled

A bill making it a misdemeanor for any person to obtain food, lodging or other accommodation at any hotel, inn, boarding-

house or eating-house, with intent to defraud the owner or keeper thereof, and prescribing the penalty therefor.

Said bill was read the first time at length, and the House refused to order said bill to its third reading.

And so said bill was rejected.

Mr. Hissem introduced a bill, entitled

H. B. 514. A bill to prohibit book-making and pool-selling. Which was referred to the Committee on Public Morals.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the House, of the following title, viz :

H. B. 294. An act to amend section 1 of an act, entitled "An act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State "

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bill to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 229. An act appropriating four thousand dollars to rebuild the hospital at the Eddyville Penitentiary, and to raise the ell another story,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that

said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

Mr. Hay moved that a committee be appointed to ask to withdraw from the Senate the announcement of the passage by the House of a bill, which originated in the Senate, entitled

S. B. 42. An act to provide an efficient system of common schools throughout the State.

Said motion was agreed to.

The Speaker appointed Mr. Hay as said committee.

After a time, Mr. Hay, as said committee, reported that he had discharged said duty, and delivered said bill to the Clerk of the House.

Mr. Hay thereupon moved that the vote by which said bill was passed, and also by which it was ordered to its third reading, be reconsidered, and that said bill be recommitted to the Committee on Education.

Said motion was agreed to.

Mr. Garduer moved to reconsider the votes by which the House passed on yesterday, and also by which it ordered to its third reading, a bill, entitled

S. B. 123. An act concerning juries, and entitled "Juries."

Said motion was agreed to.

Mr. Gardner offered the following amendments to said bill, viz:

1. Amend section 1, line 27, by striking out "1500," and inserting "2500."
2. Amend by striking from line 101 of section 1 "connive," and insert "converse."
3. Amend by striking from line 106, section one, "willfully," and by inserting said word "willfully" between the words "way" and "injure," in line 107.

4. Amend section 3, after the word "month," in line sixteen, the words "or term."

5. Amend section 7 by inserting after the word "obtained," in line twenty-eight, these words: "*Provided*, That in cases other than prosecutions for felony, if the parties consent thereto, the judge may order a jury of by-standers."

Said several amendments were agreed to.

Ordered, That said bill be read a third time.

Said bill was read the third time by its title,

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill, as amended, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	John Finn,	Lewis Y. Leavell,
Lewis Alexander, Sr.,	J. M. Frazee,	H. P. Lively,
W. W. Ayres,	Ben. F. Gardner,	C. W. Mathers,
W. S. Bailey,	S. M. Gough,	Eli Nicholls,
John Bartman,	Geo. T. Halbert,	W. F. Peak,
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. F. Bennett,	A. L. Harned,	C. D. Reed,
B. T. Birkhead,	H. K. Hay,	John Ryan,
John Botts,	P. R. Hays,	D. H. Severs,
P. S. Bruner,	B. B. Hensley,	S. H. Shouse,
Polk Cansler,	W. J. Hissem,	C. C. Spalding,
F. P. Combest,	F. W. Hutcheson,	W. R. Stewart,
R. F. Comer,	Daniel James,	J. R. Summers,
L. J. Cox,	W. W. Johnson,	Lewis E. Thomas,
J. S. Cullen,	J. S. Joplin,	J. R. Thomas,
J. M. Dawson, Jr.,	R. M. Kincheloe,	John M. Tinsley,
D. B. Edmiston,	T. S. Kirk,	N. S. Walton,
McD. Ferguson,	William Krieger,	B. F. Willett—57.

In the negative—none.

[*For Bill, see Journal of April 11th.*]

Resolved, That the title thereof be as aforesaid.

The House took up for consideration the unfinished business of yesterday, a bill which originated in the Senate, entitled S. B. 163. An act relating to courts of justice.

Mr. Tinsley moved that the vote by which the amendment to

section 17, as proposed by the committee and amended was agreed to, be reconsidered.

Said motion was agreed to.

Mr. Tinsley offered the following as a substitute for subdivision 27 of said amendment, viz :

Twenty-seventh District—That from and after the fifth day of June, 1893, the circuit courts in the twenty-seventh judicial district of Kentucky shall be held at the time and place, and may continue for the length of time, respectively, thereafter mentioned, to wit: Jackson county, at McKee, on the first Monday in January, twelve juridical days, first Monday in May, six juridical days, and first Monday in September, twelve juridical days. Owsley county, at Booneville, on the third Monday in January, twelve juridical days, second Monday in May, six juridical days, and third Monday in September, twelve juridical days. Laurel county, at London, on the first Monday in February, eighteen juridical days, third Monday in May, twelve juridical days, and first Monday in October, eighteen juridical days. Clay county, at Manchester, on the fourth Monday in February, eighteen juridical days, first Monday in June, twelve juridical days, and fourth Monday in October, eighteen juridical days. Leslie county, at Hyden, on the third Monday in March, eighteen juridical days, third Monday in June, twelve juridical days, and third Monday in November, twelve juridical days. Knox county, at Barbourville, on the second Monday in April, eighteen juridical days, fourth Monday in July, twelve juridical days, and first Monday in December, eighteen juridical days.

Which was agreed to.

Mr. Tribble moved that the vote by which the House agreed to the substitute proposed by Mr. Gay to subdivision 25 of said amendment be reconsidered.

Said motion was disagreed to.

The committee offered the following amendments to said bill, viz :

Amend section 53, article 4, line 1, by inserting before the word "when" the following: "Except in counties having a circuit court in continuous session."

Amend section 56, article 4, line 1, by inserting before the word "if" the following: "Except in counties having a circuit court in continuous session."

Amend section 59, article 5, line 3: Strike out the word "first," and insert after the words "disposed of" the follow-

ing: In cities of the first class, justices' courts shall be courts of continuous session.

Said amendments were severally agreed to.

Mr. Ferguson offered an amendment to section 60 as follows, viz:

Strike out "\$100," in line five, and insert "two hundred dollars."

Said amendment was agreed to.

The committee offered the following amendments as additional sections to the bill, viz:

All summons, subpoenas, recognizances, bonds or other processes that have been taken, issued or made in any of the circuit, common pleas or criminal courts in this Commonwealth for the terms thereof as now fixed by law, shall be returnable to the first terms of the circuit courts in the several counties as fixed by this act, and shall have the same effect as if originally made returnable to said terms; and all processes issued by clerks of circuit, chancery, criminal or common pleas courts in suits filed therein are hereby made valid and returnable to the first day of the first term of the circuit court held in the county after this act becomes a law.

All laws or parts of laws in conflict with this act are hereby repealed.

Said amendments were agreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time by its title,

The constitutional provision as to the reading of said bill the third time at length being dispensed with.

[*For Bill, see yesterday's Journal.*]

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	C. W. Mathers,
Lewis Alexander, Sr.,	J. P. Gay,	W. H. May,
W. W. Ayres,	Geo. T. Halbert,	Eli Nicholls,
W. S. Bailey,	Thos. H. Hanks,	W. F. Peak,
R. F. Bass,	U. G. Harlow,	Thos. S. Pettit,
W. P. Beard,	A. L. Harned,	J. F. Porter,
B. F. Bennett,	H. K. Hay,	C. D. Reed,

B. T. Birkhead,
John Botts,
P. S. Bruner,
F. P. Combest,
R. F. Comer,
L. J. Cox,
J. S. Cullen,
J. M. Dawson, Jr.,
D. B. Edmiston,
McD. Ferguson,
John Finn,

P. R. Hays,
B. B. Hensley,
F. W. Hutcheson,
Daniel James,
W. W. Johnson,
J. S. Joplin,
R. M. Kincheloe,
T. S. Kirk,
Henry Kremer,
William Krieger,
H. P. Lively,

John Ryan,
D. H. Severs,
S. H. Shouse,
W. R. Stewart,
J. R. Summers,
Lewis E. Thomas,
J. R. Thomas,
John M. Tinsley,
N. S. Walton,
B. F. Willett—53.

In the negative—Ben. F. Gardner—1.

Resolved, That the title thereof be as aforesaid.

The House took from the orders of the day a bill, which originated in the House, entitled

H. B. 456. A bill relating to State penitentiaries,

With the amendments proposed by the Senate thereto.

The several amendments proposed thereto by the Senate are as follows, viz :

No. 1.

Amend section 2 by striking out \$30,000, where it occurs in the eighth line of said section in the printed bill, and insert \$60,000.

No. 2.

Amend section 3 by inserting after the word "punishment," in line eleven thereof, the words: "And no corporeal punishment shall be inflicted upon a prisoner, except in the presence of the Warden or the Deputy Warden;" also by adding "no corporeal punishment shall be inflicted until at least twelve hours have elapsed after the offense has been committed for which the punishment is inflicted."

No. 3.

Amend section 3 by striking out the words "and now occupied by the family of the Warden," where they occur in lines twenty-seven and twenty-eight, in said section.

No. 4.

Amend section 3 by adding after the word "required," in the thirty-ninth line thereof, the following :

Fifth. To provide all food and clothing necessary for the use

of the prisoners under such rules and regulations as may be made by the Board of Sinking Fund Commissioners, the cost of such supplies to be paid out of the Treasury on proper vouchers to be approved by said Commissioners.

Sixth. To furnish each convict, upon the termination of his sentence or his release by pardon, with \$5 and a suit of serviceable clothing, suitable to the season, and with transportation, not transferable, to the county from which he was sent, at the expense of the State; also strike out the word "fifth," in the thirty-ninth line, and insert the word "seventh."

No. 5.

Amend section 3 by striking from the forty-first and forty-second lines thereof the words, "as soon as he enters upon the discharge of his duties," and insert the words "at regular intervals, to be prescribed by the Commissioners."

No. 6.

Amend section 5 by striking out from the third line thereof the words "in a proper manner," and insert "as provided by this act." Also strike out all of said section after the word "penitentiary," in the eighth line.

No. 7.

Amend section 6 by striking out \$10,000 in the seventh line thereof, and inserting the figures \$25,000.

No. 8.

Amend section 6 by striking out all of said section after the word "Warden," in the twenty-eighth line thereof, and insert: "The duties to be performed by the Deputy Warden shall devolve upon one of the guards, to be selected by the Warden, in case the Deputy Warden is absent from the prison, or is unable to perform his duties from any cause: *Provided*, The Warden shall be responsible on his official bond for the conduct of the guard so appointed.

No. 8½.

Amend section 7 by adding thereto: "Before entering upon the discharge of his duties, he shall give a bond, with good surety, to be approved by the Commissioners, for the faithful discharge of his duties, and the payment of all moneys that may come to his hands to the person or persons entitled thereto."

No. 9.

Amend section 8 by striking out from the ninth line thereof the words "from time to time," and insert the word "daily ;"

also strike out the word "ascertain," in the tenth line of said section, and insert the word "examined."

No. 10.

Amend section 11 by striking out the word "assistance" in the first line thereof and in the eighth line thereof, and insert the word "guards."

No. 11.

Amend section 12 by striking out the word "assistance" in the first line.

No. 12.

Amend by striking out section 13, and insert the following :

§ 13. It shall be the duty of the Commissioners to hire out to a contractor or contractors all the convicts able to perform manual labor, to be worked in the walls of the penitentiaries. Such hiring shall be to the highest and best bidder, after due advertisement, and the labor in both penitentiaries may be hired to one person, or the labor in whole or in part in each penitentiary may be hired to different contractors. The Commissioners shall make it a condition precedent to the consummation of the contracts that the number of the convicts so hired may vary, and such variation in number shall in nowise affect the contract or impair its obligation. Each bid shall specify the price proposed to be paid for the labor per head, and shall be accompanied by a bond, with sureties, who shall be worth in the aggregate double the amount that may be due the State at any time under the stipulation of the proposed contract, to the satisfaction of the Commissioners that the bidder will comply with the terms thereof. Bids shall be opened by the Commissioners on the last day named in the advertisement for receiving the same, and be awarded to the highest and best bidder, the Commissioners having the right to reject all bids. The price agreed to be paid shall be paid in monthly or quarterly installments by the contractor as the Commissioners may determine, and it is hereby made a condition precedent to the contract, that on failure of the lessee or lessees to pay any installment within one month after the same is due, the Commissioners may elect to declare the lease forfeited for non-payment of rent, giving the lessees thirty days' notice in writing declaring a forfeiture thereof, and the Commissioners may take possession without further notice. The term for which said convicts may be hired shall not be more than four years, with the privilege of renewal, and the contractor shall obligate himself to faithfully conform to all the rules and regulations that may be established by the Commissioners touching all sanitary and police matters, and for the government of the prison. Upon the execution of the bond as above required, and the acceptance of the bid, the contractor shall be entitled to the labor of such convicts, the various shops, and the power therein belonging to the

State. But if, after due advertisement as above set forth, the Commissioners fail to secure such a bid as is acceptable to them, then they may hire the convicts to a contractor or contractors by private contract, and such contract, when made, shall be consummated in all respects, and shall contain the same stipulations and provisions, as is required in this section for a contractor who hires said convicts by public bid. Whenever the bond of any contractor shall be deemed insufficient by said Commissioners, they shall require such additional security as may be necessary to make the bond to the State amply good and sufficient. The Commissioners shall have power to furnish for the use of the prisoners such reading matter of a religious, literary and scientific character as in their judgment will tend to develop the moral and business character of the prisoners, and for which purposes one hundred dollars per annum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

No. 13.

Amend by striking out section 14, and renumbering the sections following consecutively.

No. 14.

Amend section 15, as renumbered, by striking out the word "successfully," in the fifth line thereof.

No. 15.

Amend section 16, as renumbered, by inserting the words "or either of them," after the word "institutions," in the sixth line, and by striking out the words "as contemplated," in section 5 of this chapter, where they occur in lines three and four.

No. 16.

Amend section 16, as renumbered, by striking from the 7th line thereof the words "not exceeding \$25,000 during his term of office for each penitentiary," and by striking from line 8 "\$50,000," and inserting "\$300,000."

No. 17.

Amend section 16, as renumbered, by striking out line 13 and all of line 14 to and including the word "warden."

No. 18.

Amend section 17, as renumbered, by striking from lines two and three the words "erect at his own expense such additional buildings and." Also by striking out line five, and by striking out "buildings and," in line eight.

No. 18½.

Amend section 17, as renumbered, by striking out "their" in line nine, and inserting "its."

No. 19.

Amend section 18, as renumbered, by striking out all after the word "conduct," in the fourteenth line, to and including the word "convicts," in the sixteenth line, and by striking out the word "and," and substituting the word "they."

No. 20.

Amend section 19, as renumbered, by striking from line three the word "assistance," and inserting the word "guards."

No. 21.

Amend by striking out section 21 as renumbered, and inserting as section 21: "This law shall not in anywise affect the existing contract for the labor of the Eddyville penitentiary, but shall be applicable to said prison from and after the expiration of said contract."

No. 22.

Amend section 22, as renumbered, by striking from line three the words "advertising for bids," and inserting the words "proposing to lease the same."

Senate amendments Nos. 1 to 15, both inclusive, were severally concurred in.

Mr. Birkhead moved to amend Senate amendment No. 16 by striking out "\$300,000" and inserting "\$150,000."

Mr. Birkhead's amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Severs and Ryan, were as follows, viz:

Those who voted in the affirmative, were—

W. W. Ayres,	J. M. Dawson, Jr.,	John Ryan,
W. P. Beard,	R. M. Kincheloe,	D. H. Severs,
B. T. Birkhead,	H. P. Lively,	J. R. Thomas,
F. P. Combest,	C. W. Mathers,	John M. Tinsley,
R. F. Comer,	W. H. May,	B. F. Willett—17.
J. S. Cullen,	Thos. S. Pettit,	

Those who voted in the negative, were—

Lewis Alexander, Sr.,	J. P. Gay,	Lewis Y. Leavell,
W. S. Bailey,	S. M. Gough,	Eli Nicholls,
R. F. Bass,	Geo. T. Halbert,	J. P. O'Meara,

B. F. Bennett,	Thos. H. Hanks,	W. F. Peak,
John Botts,	U. G. Harlow,	I. M. Quigley,
P. S. Bruner,	A. L. Harned,	C. D. Reed,
Polk Cansler,	H. K. Hay,	R. E. Roberts,
A. J. Carroll,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	W. J. Hissem,	C. C. Spalding,
L. J. Cox,	F. W. Hutcheson,	W. R. Stewart,
D. B. Edmiston,	Daniel James,	J. R. Summers,
McD. Ferguson,	W. W. Johnson,	Lewis E. Thomas,
John Finn,	T. S. Kirk,	N. S. Walton,
J. M. Frazee,	William Krieger,	J. H. Welch—42.

Said Senate amendment No. 16 was concurred in.

Senate amendments Nos. 17 to 18½, both inclusive, were concurred in.

And then, at 1 o'clock, P. M., the House adjourned.

FRIDAY, APRIL 14, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	McD. Ferguson,	C. W. Mathers,
Lewis Alexander, Sr.,	John Finn,	W. H. May,
W. W. Ayres,	J. M. Frazee,	John S. May,
W. S. Bailey,	S. M. Gough,	W. F. Peak,
John T. Bashaw,	Geo. T. Halbert,	Thos. S. Pettit,
R. F. Bass,	U. G. Harlow,	J. F. Porter,
W. P. Beard,	A. L. Harned,	A. T. Pullen,
B. F. Bennett,	H. K. Hay,	C. D. Reed,
B. T. Birkhead,	P. R. Hays,	John Ryan,
John Botts,	B. B. Hensley,	D. H. Severs,
P. S. Bruner,	F. W. Hutcheson,	S. H. Shouse,
Polk Cansler,	Daniel James,	C. C. Spalding,
B. E. Caudill,	W. W. Johnson,	W. R. Stewart,
F. P. Combest,	J. S. Joplin,	J. R. Summers,
R. F. Comer,	R. M. Kincheloe,	Lewis E. Thomas,

L. J. Cox,	T. S. Kirk,	J. R. Thomas,
J. S. Cullen,	William Krieger,	John M. Tinsley,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	N. S. Walton—56.
D. B. Edmiston,	H. P. Lively,	

The following members were absent, viz :

T. J. Arnett,	Thos. H. Hanks,	E. M. Pryse,
Posey D. Ball,	R. K. Hart,	I. M. Quigley,
John Bartman,	W. J. Hissem,	R. E. Roberts,
A. J. Carroll,	Berry Howard,	Waller Sharp,
A. H. Charlton,	Henry Kremer,	Fenton Sims,
Will J. Cox,	John M. Letterle,	W. W. Stephenson,
Wesley Crow,	Hiram McElroy,	Samuel O. Tate,
James R. Dean,	M. D. McInerney,	D. W. Tribble,
E. M. Dickson,	Harvey Myers,	J. H. Welch,
J. E. Durham,	W. F. Neat,	H. P. Whitaker,
George Will. Follis,	Eli Nicholls,	B. F. Willett,
Wm. Garrison,	J. P. O'Meara,	Geo. E. Willett,
Ben. F. Gardner,	John Lee Payne,	R. B. Wilson,
J. P. Gay,	J. A. Perkins,	John D. Woods—44.
J. C. Glenn,	Granville Philpot,	

The Journal of yesterday was approved.

Mr. Hay, from the Committee on Education, reported a bill, entitled

S. B. 42. An act to provide an efficient system of common schools throughout the State.

Mr. Hay moved to reconsider the vote by which the House adopted amendments Nos. 5, 8 and 19, which are amendments to sections 14, 15 and 48, respectively, to said bill.

Said motion was agreed to.

Said amendments were disagreed to.

Mr. Hay offered the following amendments in lieu of those above named, viz :

5. Amend section 14, line 6, by striking out the words "one-fifth" and inserting the words "two-fifths;" also amend said section by striking out of line 7 the words "two-fifths," and inserting the words "one-fifth."

8. Amend section 15 by striking out all after the last "the," in line one, down to and including the words "Public Instruction," in line 4; also strike out all after the word "education," in line 5, down to and including the word "Commonwealth," in line 10.

19. Amend section 48 by striking out of line 8 the word

"misdemeanor," and insert the word "felony;" and by striking out all after the words "county jail," in line 10, and insert the following: "penitentiary not less than one nor more than ten years, or both fined and imprisoned in the discretion of the jury, and be removed from office."

Said amendments were agreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time by its title,

The constitutional provision as to the reading of said bill at length being dispensed with.

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	W. H. May;
Lewis Alexander, Sr.,	John Finn,	John S. May,
W. W. Ayres,	J. M. Frazee,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
John Bartman,	Geo. T. Halbert,	J. F. Porter,
R. F. Bass,	Thos. H. Hanks,	A. T. Pullen,
W. P. Beard,	U. G. Harlow,	C. D. Reed,
B. F. Bennett,	A. L. Harned,	R. E. Roberts,
B. T. Birkhead,	H. K. Hay,	John Ryan,
John Botts,	P. R. Hays,	D. H. Severs,
P. S. Bruner,	F. W. Hutcheson,	S. H. Shouse,
Polk Cansler,	Daniel James,	C. C. Spalding,
A. J. Carroll,	W. W. Johnson,	W. W. Stephenson,
B. E. Caudill,	J. S. Joplin,	W. R. Stewart,
F. P. Combest,	T. S. Kirk,	J. R. Summers,
R. F. Comer,	William Krieger,	J. R. Thomas,
L. J. Cox,	Lewis Y. Leavell,	John M. Tinsley,
J. S. Cullen,	H. P. Lively,	N. S. Walton—55.
D. B. Edmiston,		

Those who voted in the negative, were—

John T. Bashaw, Ben. F. Gardner, R. M. Kincheloe—3.

Resolved, That the title thereof be as aforesaid.

Mr. Tinsley, from the Committee on Printing and Accounts, reported the resolution heretofore offered by Mr. Charlton, viz:

[See Resolution in House Journal April 7.]

With amendments thereto as follows, viz:

Strike out "5,000" and insert "2,000."

Strike out "50" and insert "20."

Said amendments were agreed to.

Said resolution was agreed to.

The yeas and nays being demanded thereon by Messrs. Pettit and Hays, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	John S. May,
W. W. Ayres,	Ben. F. Gardner,	J. P. O'Meara,
W. S. Bailey,	J. C. Glenn,	W. F. Peak,
John Bartman,	S. M. Gough,	J. F. Porter,
R. F. Bass,	Geo. T. Halbert,	A. T. Pullen,
W. P. Beard,	Thos. H. Hanks,	I. M. Quigley,
B. F. Bennett,	U. G. Harlow,	C. D. Reed,
John Botts,	A. L. Harned,	R. E. Roberts,
P. S. Bruner,	H. K. Hay,	John Ryan,
Polk Cansler,	B. B. Hensley,	D. H. Severs,
A. J. Carroll,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	C. C. Spalding,
R. F. Comer,	W. W. Johnson,	W. W. Stephenson,
L. J. Cox,	J. S. Joplin,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	T. S. Kirk,	Lewis E. Thomas,
D. B. Edmiston,	William Krieger,	John M. Tinsley,
McD. Ferguson,	Lewis Y. Leavell,	N. S. Walton—56,
John Finn,	W. H. May,	

Those who voted in the negative, were—

B. T. Birkhead,	H. P. Lively,	Thos. S. Pettit—4.
P. R. Hays,		

The House took up for consideration the unfinished business of yesterday, viz :

H. B. 456. A bill relating to State penitentiaries.

Amendments Nos. 19, 20, 21 and 22, as proposed by the Senate, were concurred in.

[See yesterday's Journal for Amendments.]

Mr. Pettit moved to reconsider the vote by which Senate amendment No. 4 was concurred in on yesterday.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and Kincheloe, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	S. M. Gough.	J. F. Porter,
B. F. Bennett,	U. G. Harlow,	John Ryan,
B. T. Birkhead,	H. K. Hay,	D. H. Severs,
P. S. Bruner,	F. W. Hutcheson,	W. R. Stewart,
F. P. Combest,	J. S. Joplin,	J. R. Summers,
R. F. Comer,	R. M. Kincheloe,	J. R. Thomas,
J. S. Cullen,	H. P. Lively,	John M. Tinsley,
J. M. Dawson, Jr.,	C. W. Mathers,	N. S. Walton,
John Finn,	John S. May,	B. F. Willett—29.
J. C. Glenn,	Thos. S. Pettit,	

Those who voted in the negative, were—

Lewis Alexander, Sr.,	Ben. F. Gardner,	W. H. May,
W. S. Bailey,	J. P. Gay,	M. D. McInerney,
John Bartman,	Geo. T. Halbert,	J. P. O'Meara,
John T. Bashaw,	Thos. H. Hanks,	W. F. Peak,
R. F. Bass,	A. L. Harned,	A. T. Pullen,
W. P. Beard,	P. R. Hays,	I. M. Quigley,
John Botts,	B. B. Hensley,	C. D. Reed,
Polk Cansler,	Daniel James,	R. E. Roberts,
A. J. Carroll,	W. W. Johnson,	S. H. Shouse,
B. E. Caudill,	T. S. Kirk,	C. C. Spalding,
L. J. Cox,	Henry Kremer,	W. W. Stephenson,
D. B. Edmiston,	William Krieger,	J. H. Welch,
J. M. Frazee,	Lewis Y. Leavell,	R. B. Wilson—39.

Said bill, as amended, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	M. D. McInerney,
Lewis Alexander, Sr.,	J. P. Gay,	J. P. O'Meara,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
John Bartman,	Geo. T. Halbert,	A. T. Pullen,
John T. Bashaw,	Thos. H. Hanks,	I. M. Quigley,
R. F. Bass,	U. G. Harlow,	C. D. Reed,
W. P. Beard,	A. L. Harned,	R. E. Roberts,
B. F. Bennett,	H. K. Hay,	John Ryan,
B. T. Birkhead,	P. R. Hays,	D. H. Severs,
John Botts,	B. B. Hensley,	S. H. Shouse,

P. S. Bruner,	F. W. Hutcheson,	C. C. Spalding,
A. J. Carroll,	Daniel James,	W. W. Stephenson,
B. E. Caudill,	W. W. Johnson,	W. R. Stewart,
R. F. Comer,	J. S. Joplin,	J. R. Summers,
L. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
J. S. Cullen,	T. S. Kirk,	J. R. Thomas,
J. M. Dawson, Jr.,	Henry Kremer,	John M. Tinsley,
D. B. Edmiston,	William Krieger,	D. W. Tribble,
McD. Ferguson,	Lewis Y. Leavell,	N. S. Walton,
John Finn,	H. P. Lively,	J. H. Welch,
George Will. Follis,	W. H. May,	B. F. Willett,
J. M. Frazee,	John S. May,	R. B. Wilson—69.

In the negative—F. P. Combest—1.

The House took from the orders of the day H. B. 458, entitled
A bill creating the office of circuit court stenographer, and
providing for salary thereof.

Mr. Gardner moved that said bill be made the special order
for Tuesday, April 25, 1893.

Said motion was agreed to.

The House took from the orders of the day S. B. 188, entitled
An act relating to and providing for a Court of Appeals.

Mr. O'Meara moved that said bill be made special order for
Wednesday, 19th inst.

Said motion was agreed to.

The House took from the orders of the day H. B. 491, entitled
A bill to prohibit cattle from running at large unattended in
this Commonwealth.

Mr. Bashaw offered amendments to said bill.

Which were disagreed to.

The House refused to order said bill to its third reading.

And so said bill was rejected.

Mr. Hensley, from the Committee on Claims, reported H. B.
485, entitled

An act to provide additional clerical force in the Attorney-
General's office.

Which was read the first time at length, and ordered to be
read the second time on another day, and printed.

Mr. J. R. Thomas, from the Committee on Legislative Districts, reported

S. B. 224. An act dividing the State into thirty-eight Senatorial Districts,

Which was read the first time at length, and ordered to be read the second time on another day.

Mr. Halbert offered a substitute for said bill.

Ordered, That said bill and substitute be printed, and recommended to the Committee on Legislative Districts.

And then the House adjourned.

SATURDAY, APRIL 15, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. M. Frazee,	C. W. Mathers,
Lewis Alexander, Sr.,	J. C. Glenn,	W. H. May,
W. W. Ayres,	S. M. Gough,	John S. May,
W. S. Bailey,	Geo. T. Halbert,	W. F. Peak,
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
B. T. Birkhead,	U. G. Harlow,	J. F. Porter,
John Botts,	P. R. Hays,	A. T. Pullen,
P. S. Bruner,	B. B. Hensley,	C. D. Reed,
Polk Cansler,	F. W. Hutcheson,	D. H. Severs,
B. E. Caudill,	Daniel James,	S. H. Shouse,
F. P. Combest,	W. W. Johnson,	C. C. Spalding,
R. F. Comer,	J. S. Joplin,	W. W. Stephenson,
L. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
D. B. Edmiston,	William Krieger,	Lewis E. Thomas,
McD. Ferguson,	Lewis Y. Leavell,	J. R. Thomas,
John Finn,	H. P. Lively,	John M. Tinsley—51.

The following members were absent :

T. J. Arnett,	J. P. Gay,	Granville Philpot,
Posey D. Ball,	A. L. Harned,	E. M. Pryse,
John Bartman,	R. K. Hart,	I. M. Quigley.
John T. Bashaw,	H. K. Hay,	R. E. Roberts,
W. P. Beard,	W. J. Hissem,	John Ryan,
B. F. Bennett,	Berry Howard,	Waller Sharp,
A. J. Carroll,	Henry Kremer,	Fenton Sims,
A. H. Charlton,	John M. Letterle,	Samuel O. Tate.
W. J. Cox,	Hiram McElroy,	D. W. Tribble,
Wesley Crow,	M. D. McInerney,	N. S. Walton,
J. M. Dawson, Jr.,	Harvey Myers,	J. H. Welch,
James R. Dean,	W. F. Neat,	H. P. Whitaker,
E. M. Dickson,	Eli Nicholls,	B. F. Willett,
J. E. Durham,	J. P. O'Meara,	Geo. E. Willett,
Geo. Will. Follis,	John Lee Payne,	R. B. Wilson,
Wm. Garrison,	J. A. Perkins,	John D. Woods—49.
Ben. F. Gardner,		

The Journal of yesterday's proceedings was approved.

Mr. Peak introduced the following bill, viz :

H. B. 518. A bill concerning roads and passways.

Which was ordered printed.

Mr. Halbert, from the Committee on General Statutes, reported H.R. 99, entitled

Resolution providing for the appointment of a joint committee to systematize the laws of this Commonwealth,

Together with a substitute proposed by the committee therefor.

Said resolution was read the first time at length, and ordered to be read the second time on another day.

Ordered, That said resolution and substitute be printed.

Mr. Bennett, from same committee, reported S. B. 219, entitled

An act concerning the General Assembly.

Which was read the first time at length, and ordered to be printed and read the second time on another day.

Committees, to whom the same had been referred, reported, with the expression of opinion that they ought not to pass, bills, entitled

By Mr. Mathers, from the Committee on Charitable Institutions—

S. B. 79. An act to provide for visitation and examination of State Institutions.

By Mr. Roberts, from the Committee on General Statutes—

H. B. 507. A bill to authorize the Auditor to draw his warrant on the Treasurer for all just claims unpaid properly proven and certified.

Said bills were severally read the first time at length, and the House refused to order said bills to their second reading.

So said bills were rejected.

The House took from the orders of the day bills of the following titles, viz:

H. B. 480. A bill to protect the fish in the waters of this State.

Ordered, That said bill be made the special order for Thursday, the 20th, inst.

Also H. B. 487. A bill to provide each common school district in this Commonwealth with an American Flag, and specifying when and where the same shall be used.

Said bill is as follows, viz:

WHEREAS, True patriotism is one of the essential principles to American manhood and nobility; and whereas, the maintenance, protection and perpetuation of any Government depends largely upon the education and training of the young minds who must after awhile assume control of the Government in which they live; and whereas, the lesson of fealty and true reverence for our emblem of American Liberty should be firmly implanted in the minds and hearts of the children of our nation; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That it shall be the duty of the trustees of the various common school districts in this Commonwealth, and their successors in office, to provide a suitable American National Flag to belong, and be the property of, the common school district over which they preside as trustees, and for whose benefit it was provided.

§ 2. Said flags shall be furnished at the expense of the taxpayers of the common school districts for which they are furnished, and shall be paid for out of the same fund and in the same manner in which other school furniture is paid for, and be likewise preserved and protected under the law.

§ 3. It shall be the duty of the trustees, or some member of the board, on or before the day fixed in each year for the com-

mencement of the common school in their district, to deliver or cause to be delivered to the person or persons they have employed to teach their district school for the year, the flag provided for in the first section of this act, together with suitable appliances to enable said teacher, or some one for him or her, to hoist it unfurled over the building in which said common school is being taught.

§ 4. Said flag shall be in the care and custody of said teacher, whose duty it shall be to see that the same is hoisted over the building in which he or she is teaching, each morning before the hour for calling the school to order. And at the close of the school each day the teacher shall take down said flag, or cause the same to be done, and stored away inside the school building for protection and safety.

§ 5. At the close of the session it shall be the duty of the teacher to deliver said flag to one of the trustees of the district, who shall keep it until the commencement of the next common school in his district, when he or some one of the trustees shall deliver or cause to be delivered said flag as provided in section three of this act.

§ 6. Trustees of common schools in this Commonwealth charged with a failure to comply with the provisions of this act shall, upon conviction in any court of competent jurisdiction, be fined not less than two nor more than five dollars, in the discretion of the court or jury trying the case.

The question being taken upon ordering said bill to its third reading, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cansler and Ayres, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	John Finn,	Wm. Krieger,
R. F. Bass,	George Will. Follis,	H. P. Lively,
B. F. Bennett,	J. C. Glenn,	W. H. May,
P. S. Bruner,	B. B. Hensley,	John S. May,
Polk Cansler,	F. W. Hutcheson,	Thos. S. Pettit,
R. F. Comer,	J. S. Joplin,	A. T. Pullen,
L. J. Cox,	T. S. Kirk,	C. D. Reed—23.
McD. Ferguson,	Henry Kremer,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. P. Gay,	W. F. Peak,
Lewis Alexander, Sr.,	S. M. Gough,	J. F. Porter,
W. S. Bailey,	Geo. T. Halbert,	I. M. Quigley,
John T. Bashaw,	Thos. H. Hanks,	R. E. Roberts,
B. T. Birkhead,	U. G. Harlow,	D. H. Severs,

John Botts,	P. R. Hays,	S. H. Shouse,
A. J. Carroll,	Daniel James,	W. R. Stewart,
B. E. Caudill,	W. W. Johnson,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	Lewis E. Thomas,
D. B. Edmiston,	Lewis Y. Leavell,	J. R. Thomas—32
J. M. Frazee,	C. W. Mathers,	

So said bill was rejected.

Also S. B. 235. An act to prevent unjust and oppressive taxation for turnpike purposes.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. Whenever in any county there is in force a system of taxation for turnpike purposes, under which part of such taxes are general and part thereof levied in turnpike road districts, then, when the same property is situate in more than one of such districts, such property shall be liable for only one such district tax, which district tax shall be that levied in the turnpike road district wherein is the turnpike road from which such property and the owner thereof derives the greater benefit, and the question which turnpike road does most benefit such property shall be determined by the board of county commissioners in counties which have such board, and in other counties by the fiscal court ; and when said question is determined, then the district taxes levied under such system shall, as to such property, be levied as if said property were situate only within said turnpike road district and not within any other. And the district taxes from which property situate within more than one district is so relieved shall not be added to nor embraced within the levy of any district taxes levied in any district, but the same shall be added to and embraced in the general taxes levied under such system of taxation, upon all the taxable property within the county or part thereof within which such system is in force. From said determination and judgment of such board of commissioners or county court there shall be no appeal. But whenever, after the going into effect of this act, any person, under any such system of taxation, petitions for the construction of a turnpike road, and the same is constructed, then such petitioner and his property shall be liable for district taxes levied for or on account of such turnpike road.

§ 2. Because, under systems of taxation mentioned in the first section of this act the same property is frequently situated within several districts, and is thereby subjected to unjust and oppressive taxation ; therefore there is an emergency that this act shall immediately go into effect, and this act shall go into effect as soon as approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	George Will Follis,	H. P. Lively,
Lewis Alexander, Sr.,	J. M. Frazee,	C. W. Mathers,
W. W. Ayres,	J. P. Gay,	W. H. May,
W. S. Bailey,	J. C. Glenn,	John S. May,
John T. Bashaw,	S. M. Gough,	W. F. Peak,
R. F. Bass,	Geo. T. Halbert,	Thos. S. Pettit,
B. F. Bennett,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
John Botts,	P. R. Hays,	R. E. Roberts,
P. S. Bruner,	B. B. Hensley,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	C. C. Spalding,
R. F. Comer,	W. W. Johnson,	W. W. Stephenson,
L. J. Cox,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	Lewis E. Thomas,
D. B. Edmiston,	T. S. Kirk,	J. R. Thomas,
McD. Ferguson,	Henry Kremer,	D. W. Tribble,
John Finn,	Lewis Y. Leavell,	B. F. Willett—54.

In the negative—Eli Nicholls—1.

Resolved, That the title thereof be as aforesaid.

Also H. B. 499. A bill relating to public landings or wharves in this Commonwealth.

H. B. 504. A bill appropriating money for repairs and improvements at the Central Insane Asylum.

H. B. 510. A bill to amend an act, entitled “An act to amend an act, entitled ‘An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity ; to create a sinking fund for that purpose ; to provide for commissioners of the sinking fund and collectors of taxes levied, and to prescribe the duties and powers of said officers.’ ”

H. B. 511. A bill to divide the State into one hundred Representative districts.

H. B. 513. A bill appropriating various sums of money for the several named improvements and repairs to be made at the Eastern Insane Asylum.

S. B. 16. An act to amend section 51, Civil Code.

S. B. 232. An act creating and establishing the office of Trus-

tee of the Jury Fund, and prescribing the duties and powers pertaining thereto.

Said bills were severally read the second time.

Also H. B. 392. A bill to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor November 11, 1892,

Together with the various amendments proposed by the Senate thereto.

Ordered, That said bill be recommitted to the Committee on Revenue and Taxation.

And then the House adjourned.

MONDAY, APRIL 17, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names viz :

Mr. (Speaker Moore),	McD. Ferguson,	H. P. Lively,
Lewis Alexander, Sr.,	John Finn,	C. W. Mathers,
Posey D. Ball,	George Will. Follis,	W. H. May,
John T. Bashaw,	J. M. Frazee,	John S. May,
R. F. Bass,	J. C. Glenn,	W. F. Peak,
B. F. Bennett,	S. M. Gough,	Thos. S. Pettit,
B. T. Birkhead,	Geo. T. Halbert,	J. F. Porter,
John Botts,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	A. L. Harned,	D. H. Severs,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	W. W. Stephenson,
A. H. Charlton,	Daniel James,	W. R. Stewart
F. P. Combest,	W. W. Johnson,	J. R. Summers,
R. F. Comer,	J. S. Joplin,	Lewis E. Thomas,
L. J. Cox,	R. M. Kincheloe	J. R. Thomas.
J. S. Cullen,	T. S. Kirk,	John M. Tinsley,
E. M. Dickson,	Henry Kremer,	B. F. Willett—53.
A. D. B. Edmiston,	Lewis Y. Leavell,	

The following members were absent, viz :

T. J. Arnett,	H. K. Hay,	I. M. Quigley,
W. W. Ayres,	B. B. Hensley,	C. D. Reed,
W. S. Bailey,	W. J. Hissem,	R. E. Roberts,
John Bartman,	Berry Howard,	John Ryan,
W. P. Beard,	William Krieger,	Waller Sharp,
A. J. Carroll,	John M. Letterle,	Fenton Sims,
W. J. Cox,	Hiram McElroy,	C. C. Spalding,
Wesley Crow,	M. D. McInerney,	Samuel O. Tate,
J. M. Dawson, Jr.,	Harvey Myers,	D. W. Tribble,
James R. Dean,	W. F. Neat,	N. S. Walton,
J. E. Durham,	Eli Nicholls,	J. H. Welch,
Wm. Garrison,	J. P. O'Meara,	H. P. Whitaker,
Ben. F. Gardner,	John Lee Payne,	Geo. E. Willett,
J. P. Gay,	J. A. Perkins,	R. B. Wilson,
Thos. H. Hanks,	Granville Philpot,	John D. Woods--47.
R. K. Hart,	E. M. Pryse,	

The Journal of Saturday was approved.

A message was received from the Senate, announcing that they had concurred in amendments proposed by the House to S. B. 227, entitled

An act concerning notaries public.

That they had concurred in amendments proposed by the House to S. B. 75, entitled

An act relating to claims upon the Treasury.

That they had agreed to amendments Nos. 6, 13 and 18, with amendments, and disagreed to amendments Nos. 1, 2, 3, 4, 5, 7, 10, 12, 14, 15 and 16, and had agreed to amendments Nos. 8, 9, 11 and 17, proposed by the House to S. B. 103, entitled

An act relating to fees.

That they had concurred in amendments Nos. 1, 2, 3, 4, 5 and 7, and concurred in amendment No. 6, with an amendment, proposed by the House, to S. B. 217, entitled

An act for the government of towns of the sixth class.

That they had passed bills, which originated in the Senate, of the following titles, viz :

S. B. 225. An act for the government of cities of the fifth class.

S. B. 230. An act for the government of cities of the fourth class.

Ordered, That said bills be referred to the Committee on Municipalities.

Mr. O'Meara, from the Committee on Criminal Laws, reported H. B. 515, entitled

A bill prescribing the duties of all peace officers of this Commonwealth in making, or causing to be made, arrests in certain cases, and fixing a penalty for a failure of their duties therein.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

The House took from the orders of the day H. Resolution 91, entitled

Resolution to validate certain orders of the Menefee Circuit Court.

The question being taken on adopting a motion heretofore entered by Mr. J. R. Thomas, to reconsider the vote by which the House refused to order said resolution to its second reading, it was decided in the affirmative.

Ordered, That said resolution be ordered to be printed, and read the second time.

Said resolution was read the second time.

The House took from the orders of the day S. B. 217, entitled
An act for the government of towns of the sixth class.

The question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	H. P. Lively,
Lewis Alexander, Sr.,	George Will. Follis,	C. W. Mathers,
Posey D. Ball,	J. M. Frazee,	W. H. May,
John T. Bashaw,	Ben. F. Gardner,	John S. May,
R. F. Bass,	J. C. Glenn,	J. P. O'Meara,
B. F. Bennett,	S. M. Gough,	W. F. Peak,
B. T. Birkhead,	Geo. T. Halbert,	Thos. S. Pettit,
John Botts,	Thos. H. Hanks,	J. F. Porter,
P. S. Bruner,	U. G. Harlow,	A. T. Pullen,
Polk Cansler,	A. L. Harned,	I. M. Quigley,
B. E. Caudill,	P. R. Hays,	D. H. Severs,
A. H. Charlton,	F. W. Hutcheson,	S. H. Shouse,
F. P. Combest,	Daniel James,	W. W. Stephenson,
R. F. Comer,	W. W. Johnson,	W. R. Stewart,
L. J. Cox,	J. S. Joplin,	J. R. Summers,

J. S. Cullen,	R. M. Kincheloe,	Lewis E. Thomas,
E. M. Dickson,	T. S. Kirk,	J. R. Thomas,
D. B. Edmiston,	Henry Kremer,	John M. Tinsley,
McD. Ferguson,	Lewis Y. Leavell,	B. F. Willett—56.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

[*See Bill in House Journal April 5, 1893.*]

The House took from the orders of the day S. B. 74, entitled
An act in relation to charitable uses and religious societies.

Mr. Pettit moved to refer said bill to the committee on General Statutes.

Said motion was adopted.

The House took from the orders of the day H. B. 67, entitled
A bill to appropriate money to pay for completing the buildings of the Kentucky Institute for the Education and Training of Feeble-minded Children.

Mr. Dickson moved to postpone the further consideration of said bill until Friday, April 21, 1893, and that the same be made a special order for that day.

Said motion was adopted.

The House took from the orders of the day H. B. 486, entitled
A bill to regulate the liability of insurance companies that take life or accident risks on live stock in this Commonwealth.

Mr. Kremer moved to amend said bill by adding thereto these words: "*Provided*, That the assessed valuation of such live stock shall be *prima facie* evidence of the value of the stock."

Said amendment was rejected.

Ordered, That said bill be read the third time.

Said bill was read the third time as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: That insurance companies that take life or accident risks on live stock in this Commonwealth shall, after this act takes effect, in case of the death of any such stock so insured, be liable for the full estimated value of the same, as the value thereof is fixed in the face of such policy: *Provided, however*, That the insured shall be liable for any fraud he may

practice in fixing the value of such property, if the company be misled thereby.

The question being taken on the passage of said bill, and no quorum being present and voting thereon, said bill was rejected.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	George Will. Follis,	H. P. Lively,
Lewis Alexander, Sr.,	J. M. Frazee,	C. W. Mathers,
R. F. Bass,	J. C. Glenn,	W. H. May,
John Botts,	S. M. Gough,	John S. May,
P. S. Bruner,	Geo. T. Halbert,	W. F. Peak,
Polk Cansler,	Thos. H. Hanks,	Thos. S. Pettit,
B. E. Caudill,	U. G. Harlow,	J. F. Porter,
A. H. Charlton,	A. L. Harned,	A. T. Pullen,
F. P. Combest,	P. R. Hays,	D. H. Severs,
R. F. Comer,	F. W. Hutcheson,	S. H. Shouse,
L. J. Cox,	Daniel James,	W. R. Stewart,
J. S. Cullen,	W. W. Johnson,	Lewis E. Thomas,
E. M. Dickson,	J. S. Joplin,	J. R. Thomas,
D. B. Edmiston,	R. M. Kincheloe,	John M. Tinsley,
John Finn,	T. S. Kirk,	B. F. Willett—45.

Those who voted in the negative, were—

John T. Bashaw,	Henry Kremer,	I. M. Quigley—5.
B. F. Bennett,	Lewis Y. Leavell,	

Mr. Kirk moved that the House do now adjourn.

Said motion was rejected.

Mr. Dickson moved a call of the House.

Said motion was adopted.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	George Will. Follis,	Lewis Y. Leavell,
Lewis Alexander, Sr.,	J. M. Frazee,	H. P. Lively,
John T. Bashaw,	Ben. F. Gardner,	C. W. Mathers,
R. F. Bass,	J. C. Glenn,	W. H. May,
B. F. Bennett,	S. M. Gough,	John S. May,
B. T. Birkhead,	Geo. T. Halbert,	W. F. Peak,
John Botts,	Thos. H. Hanks,	Thos. S. Pettit,
P. S. Bruner,	U. G. Harlow,	J. F. Porter,
Polk Cansler,	A. L. Harned,	A. T. Pullen,

B. E. Caudill,	P. R. Hays,	D. H. Severs,
F. P. Combest,	F. W. Hutcheson,	S. H. Shouse,
R. F. Comer,	Daniel James,	W. R. Stewart,
L. J. Cox,	W. W. Johnson,	J. R. Summers,
J. S. Cullen,	J. S. Joplin,	Lewis E. Thomas,
E. M. Dickson,	R. M. Kincheloe,	J. R. Thomas,
D. B. Edmiston,	T. S. Kirk,	John M. Tinsley,
McD. Ferguson,	Henry Kremer,	B. F. Willett—52.
John Finn,		

Mr. Birkhead moved to dispense with further proceedings under the call.

Said motion was adopted.

And then the House adjourned.

TUESDAY, APRIL 18, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Peak,
Lewis Alexander, Sr.,	Wm. Garrison,	J. A. Perkins,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
Posey D. Ball,	Geo. T. Halbert,	J. F. Porter,
R. F. Bass,	Thos. H. Hanks,	A. T. Pullen,
B. F. Bennett,	U. G. Harlow,	C. D. Reed,
B. T. Birkhead,	A. L. Harned,	D. H. Severs,
John Botts,	P. R. Hays,	S. H. Shouse,
P. S. Bruner,	B. B. Hensley,	W. W. Stephenson,
Polk Cansler,	F. W. Hutcheson,	W. R. Stewart,
B. E. Caudill,	Daniel James,	J. R. Summers,
A. H. Charlton,	W. W. Johnson,	Lewis E. Thomas,
F. P. Combest,	J. S. Joplin,	J. R. Thomas,
L. J. Cox,	M. R. Kincheloe,	John M. Tinsley,
J. S. Cullen,	T. S. Kirk,	D. W. Tribble,
E. M. Dickson,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	H. P. Lively,	B. F. Willett,
McD. Ferguson,	C. W. Mathers,	Geo. E. Willett,
John Finn,	W. H. May,	John D. Woods—59.
George Will. Follis,	John S. May,	

The following members were absent, viz :

T. J. Arnett,	J. C. Glenn,	John Lee Payne,
W. W. Ayres,	R. K. Hart,	Granville Philpot,
John Bartman,	H. K. Hay,	E. M. Pryse,
John T. Bashaw,	W. J. Hissem,	I. M. Quigley,
W. P. Beard,	Berry Howard,	R. E. Roberts,
A. J. Carroll,	Henry Kremer,	John Ryan,
R. F. Comer,	William Krieger,	Waller Sharp,
W. J. Cox,	John M. Letterle,	Fenton Sims,
Wesley Crow,	Hiram McElroy,	C. C. Spalding,
J. M. Dawson, Jr.,	M. D. McInerney,	Samuel O. Tate,
James R. Dean,	Harvey Myers,	J. H. Welch,
J. E. Durham,	W. F. Neat,	H. P. Whitaker,
Ben. F. Gardner,	Eli Nicholls,	R. B. Wilson—41.
J. P. Gay,	J. P. O'Meara,	

The Journal of yesterday's proceedings was approved.

Leave of absence, for an indefinite period, was granted Mr. Ayres.

Mr. Frazee, from the Committee on Revenue and Taxation, reported H. B. 392, entitled

A bill to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor November 11, 1892,

Together with the amendments proposed by the Senate thereto.

Said Senate amendments were severally disagreed to.

A message was received from the Senate, announcing that they had passed H. B. 467, entitled

A bill to provide for the effective management and administration of the Agricultural and Mechanical College of Kentucky.

The House took up for consideration the unfinished business of yesterday, a bill, entitled

H. B. 486. A bill to regulate the liability of insurance companies that take life or accident risks on live stock in this Commonwealth.

Said bill was passed.

[See yesterday's Journal for Bill.]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	W. H. May,
Lewis Alexander, Sr.,	J. C. Glenn,	John S. May,
R. F. Bass,	S. M. Gough,	W. F. Peak,
B. T. Birkhead,	Geo. T. Halbert,	J. A. Perkins,
John Botts,	Thos. H. Hanks,	Thos. S. Pettit,
P. S. Bruner,	U. G. Harlow,	J. F. Porter,
Polk Cansler,	A. L. Harned,	C. D. Reed,
A. J. Carroll,	P. R. Hays,	D. H. Severs,
B. E. Caudill,	B. B. Hensley,	S. H. Shouse,
A. H. Charlton,	F. W. Hutcheson,	W. R. Stewart,
F. P. Combest,	Daniel James,	Lewis E. Thomas,
L. J. Cox,	W. W. Johnson,	J. R. Thomas,
J. S. Cullen,	J. S. Joplin,	John M. Tinsley,
E. M. Dickson,	R. M. Kincheloe,	N. S. Walton,
D. B. Edmiston,	T. S. Kirk,	B. F. Willett,
John Finn,	H. P. Lively,	Geo. E. Willett,
J. M. Frazee,	C. W. Mathers,	John D. Woods—52.
Wm. Garrison,		

Those who voted in the negative, were—

John T. Bashaw, McD. Ferguson, J. R. Summers—4.
B. F. Bennett,

Resolved, That the title thereof be as aforesaid.

The House took up for consideration the special order, a bill, entitled

S. B. 182. An act relating to husband and wife, and entitled.
“Husband and Wife.

[*See House Journal, March 7th, for Bill.*]

The committee on General Statutes offered an amendment as follows, viz:

Strike out sections 40 and 41, and insert in lieu thereof:
“Where a husband dies intestate, and does not leave children or descendants of children, his widow shall inherit his entire estate, real and personal, in fee-simple, after the payment of his debts; but in case the deceased husband shall leave a child or children by that or a former marriage, or descendants of such child or children, his widow shall have a child’s part of his estate in either case in fee-simple; and where a wife shall die intestate, and leave no children or descendants of children, her husband shall inherit her entire estate, both real and personal, in fee-simple, after the payment of her debts or claims to which her estate may be subject; but in case the deceased wife shall

leave a child or children by that or former marriage, or descendants of such child or children, then her husband shall inherit a child's part only of her said estate in fee-simple.

Said amendment was agreed to.

The said committee offered an amendment as follows, viz :

Strike out section 42 and insert in lieu thereof the following, viz : " If a wife voluntarily leave her husband and live in adultery with another man ; or if the husband shall voluntarily leave his wife and live in adultery with another woman, then the party so offending shall forfeit his or her, as the case may be, distributable interest in the estate of the other, unless they afterwards become reconciled and live together as husband and wife."

Said amendment was agreed to.

Said committee offered an amendment as follows :

Strike out section 43, and insert in lieu thereof the following, viz : " Divorce from the bonds of matrimony shall bar all claim of either husband or wife to any distributable share in the other's estate."

Said amendment was agreed to.

Said committee offered an amendment as follows, viz :

Strike out sections 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53.

Said amendment was agreed to.

Said committee offered an amendment as follows :

Amend section 54 by striking out " inchoate right of dower," in lines 4, 11, and 16, and inserting in lieu thereof " distributive interest ;" and by striking out " inchoate right of dower in said land, should such right thereafter become complete," and by inserting in lieu thereof " distributive interest in said land."

Said amendment was agreed to.

Said committee offered an amendment as follows, viz :

Amend section 55 by striking out of line 5, 6, 11, 17, 19 and 20 the words " prospective right of dower," and inserting in lieu thereof the words " distributive interest therein."

Said amendment was agreed to.

Said committee offered an amendment as follows :

Strike out sections 56 and 57.

Said amendment was agreed to.

Mr. O'Meara offered an amendment as follows by way of additional sections :

§ —. That no circuit court shall have any jurisdiction to grant

a divorce from the bond of matrimony, unless at least one year before the granting of such divorce it has granted to one of the parties against the other a divorce from bed and board; and any divorce from the bond of matrimony, granted before such year has passed, shall be absolutely void.

§ —. The proceedings to obtain a divorce from the bond of matrimony shall be by a supplemental pleading, filed in the suit in which the divorce from bed and board was granted; and shall state that the parties have not become reconciled since the granting of the divorce from bed and board; and shall be verified by the party filing it, and shall pray for a divorce from the bond of matrimony. It may be filed by either plaintiff or defendant. Service of process, actual or constructive, shall be made on such pleadings. The depositions read on the hearing of the application for divorce from bed and board, and any additional evidence produced by either of the parties, shall be heard on the application for divorce from the bond of matrimony. If the court, on final hearing, is of opinion that any ground for absolute divorce alleged in the original pleading is sustained by the proof, and that the cause of action accrued within five years before the filing of the original petitions, and that the plaintiff for more than one year next before the filing of the original petition resided continuously in this State, the court may, in its discretion, grant to either party, or to both, a divorce from the bond of matrimony; but the granting of a divorce from the bond of matrimony shall be a matter of equitable discretion, and not of right.

§ —. If the circuit court had jurisdiction of the action for divorce from bed and board, it shall have jurisdiction of the proceeding for divorce from the bond of matrimony, notwithstanding any change of residence of either party, or both.

Said amendment was disagreed to.

Mr. O'Meara offered an amendment as follows:

A confirmed morphine, opium or cocaine habit, of not less than two years' duration, when said drugs are not taken as a medicine, shall entitle the party not in fault to a divorce from the bonds of matrimony.

Said amendment was disagreed to.

The motion heretofore entered by Mr. Botts to reconsider the vote by which the amendment offered by Mr. Gay to section 1 was adopted, was taken up and disagreed to.

[*See Amendment in House Journal March 7th, ult.*]

Ordered, That said bill be read the third time.

Said bill was read the third time by its title,

The constitutional provision as to the reading of said bill the third time at length being dispensed with.

The bill, as amended, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	George Will. Follis,	W. H. May,
Lewis Alexander, Sr.,	J. M. Frazee,	J. P. O'Meara,
W. S. Bailey,	Wm. Garrison,	W. F. Peak,
John Bartman,	Ben. F. Gardner,	J. A. Perkins,
R. F. Bass,	J. P. Gay,	Thos. S. Pettit,
W. P. Beard,	J. C. Glenn,	J. F. Porter,
B. F. Bennett,	S. M. Gough,	A. T. Pullen,
B. T. Birkhead,	Geo. T. Halbert,	R. E. Roberts,
John Botts,	U. G. Harlow,	D. H. Severs,
P. S. Bruner,	P. R. Hays,	S. H. Shouse,
A. J. Carroll,	B. B. Hensley,	W. W. Stephenson,
A. H. Charlton,	F. W. Hutcheson,	W. R. Stewart,
F. P. Combest,	Daniel James,	J. R. Summers,
L. J. Cox,	W. W. Johnson,	Lewis E. Thomas,
J. S. Cullen,	J. S. Joplin,	J. R. Thomas,
E. M. Dickson,	R. M. Kincheloe,	N. S. Walton,
D. B. Edmiston,	Lewis Y. Leavell,	Geo. E. Willett
McD. Ferguson,	H. P. Lively,	John D. Woods—55.
John Finn,		

Those who voted in the negative, were—

John T. Bashaw,	C. W. Mathers,	C. D. Reed—5.
Thos. H. Hanks,	I. M. Quigley,	

Resolved, That the title thereof be as aforesaid.

Mr. Peak moved that when the House adjourn, at one o'clock, P. M., it be to take a recess until three o'clock, P. M., for the purpose of enabling the Committee on Municipalities to report the following bills, viz :

S. B. 225. An act for the government of cities of the fifth class ;

S. B. 230. An act for the government of cities of the fourth class ;

And to read said bills the first time.

Said motion was agreed to.

The House took up for consideration the special order, a bill, entitled

H. B. 388. A bill relating to roads and passways.

Mr. Birkhead moved that the House do now resolve itself into Committee of the Whole House, for the purpose of considering said bill and the various amendments and substitutes pending thereto.

Said motion was agreed to.

The Speaker called Mr. Hanks to the chair.

After a time the Speaker resumed the chair, and Mr. Hanks reported that the committee had had said bill under consideration, had made some progress, but not having completed same, asked leave to sit again.

Which was granted.

And the House took a recess until 3 o'clock, P. M., as ordered above.

AFTERNOON SESSION.

Three o'clock, P. M.

The House met pursuant to adjournment.

Mr. Speaker Moore in the chair.

Mr. Tinsley, from the Committee on Municipalities, reported S. B. 225, entitled

An act for the government of cities of the fifth class.

Mr. Stephenson, from same committee, reported S. B. 230, entitled

An act for the government of cities of the fourth class.

Said bills were severally read the first time at length, ordered to be printed, and read the second time on another day, and recommitted to said committee.

And then the House adjourned.

WEDNESDAY, APRIL 19, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. M. Frazee,	C. W. Mathers,
Lewis Alexander, Sr.,	Wm. Garrison,	W. H. May,
W. S. Bailey,	J. C. Glenn,	John S. May,
R. F. Bass,	S. M. Gough,	W. F. Peak,
W. P. Beard,	Geo. T. Halbert,	J. A. Perkins,
B. F. Bennett,	Thos. H. Hanks,	Thos. S. Pettit,
B. T. Birkhead,	U. G. Harlow,	J. F. Porter,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	D. H. Severs,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	B. B. Hensley,	W. W. Stephenson,
A. H. Charlton,	W. J. Hissem,	W. R. Stewart,
F. P. Combest,	F. W. Hutcheson,	J. R. Summers,
L. J. Cox,	Daniel James,	Lewis E. Thomas,
J. S. Cullen,	W. W. Johnson,	J. R. Thomas,
J. M. Dawson, Jr.,	J. S. Joplin,	John M. Tinsley,
E. M. Dickson,	R. M. Kincheloe,	N. S. Walton,
D. B. Edmiston,	T. S. Kirk,	J. H. Welch,
McD. Ferguson,	Henry Kremer,	B. F. Willett,
John Finn,	Lewis Y. Leavell,	Geo. E. Willett,
Geo. Will. Follis,	H. P. Lively,	John D. Woods—63.

The following members were absent :

T. J. Arnett,	R. K. Hart,	E. M. Pryse,
W. W. Ayres,	Berry Howard,	A. T. Pullen,
Posey D. Ball,	William Krieger,	I. M. Quigley,
John Bartman,	John M. Letterle,	R. E. Roberts,
John T. Bashaw,	Hiram McElroy,	John Ryan,
A. J. Carroll,	M. D. McInerney,	Waller Sharp,
R. F. Comer,	Harvey Myers,	Fenton Sims,
W. J. Cox,	W. F. Neat,	C. C. Spalding,
Wesley Crow,	Eli Nicholls,	Samuel O. Tate,
James R. Dean,	J. P. O'Meara,	D. W. Tribble,
J. E. Durham,	John Lee Payne,	H. P. Whitaker,
Ben. F. Gardner,	Granville Philpot,	R. B. Wilson—37.
J. P. Gay,		

The Journal of yesterday's proceedings was approved.

New bills were introduced as follows, viz :

By Mr. Charlton—

H. B. 519. A bill to license merchants who sell goods on the installment plan ; referred to the Committee on Municipalities.

By same—

H. B. 520. A bill to amend an act, entitled “An act to protect citizens of this Commonwealth from empiricism ;” referred to the Committee on Public Health.

By Mr. Whitaker—

H. B. 521. A bill relating to grade crossings of railroads, and to prevent collisions of trains at same ; referred to the Committee on Railroads and Commerce.

Mr. Cansler presented the petition of the Woman’s Christian Temperance Union, of Hopkinsville, asking that a provision be inserted in the laws providing a government of the various cities and towns, requiring all persons engaged in the retail of spirituous, vinous or malt liquors to carry on their business on the ground floor, and in plain view of the public, prohibiting the use of screens and all other things that will obstruct the view of passers-by.

Ordered, That said petition be referred to the Committee on Municipalities.

A message was received from the Senate, announcing that they had passed a bill, entitled

H. B. 476. An act appropriating money to trustees of jury fund to reimburse them for amounts paid in excess of amounts allowed on basis of twelve jurors.

Mr. Speaker Moore, from the Committee on Rules, reported S. Resolution 55, entitled

Resolution providing for a *sine die* adjournment of the General Assembly on 11th day of May, 1893.

Mr. Gardner moved that said resolution be recommitted to the Committee on Judiciary.

Mr. Woods moved that said motion lie on the table.

Said last-named motion was disagreed to.

The yeas and nays being required thereon by Messrs. Woods and Shouse, were as follows, viz :

Those who voted in the affirmative, were—

W. S. Bailey,	L. J. Cox,	J. F. Porter,
John Botts,	A. L. Harned,	S. H. Shouse,
F. P. Combest,	Daniel James,	N. S. Walton,
R. F. Comer,	H. P. Lively,	John D. Woods—12.

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. P. Gay,	John S. May,
Lewis Alexander, Sr.,	J. C. Glenn,	J. P. O'Meara,
Posey D. Ball,	S. M. Gough,	W. F. Peak,
John Bartman,	Geo. T. Halbert,	J. A. Perkins.
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	A. T. Pullen,
B. F. Bennett,	H. K. Hay,	I. M. Quigley,
B. T. Birkhead,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	R. E. Roberts,
B. E. Caudill,	W. J. Hissem,	D. H. Severs,
A. H. Charlton,	F. W. Hutcheson,	Waller Sharp,
J. S. Cullen,	W. W. Johnson,	W. W. Stephenson,
J. M. Dawson, Jr.,	J. S. Joplin,	W. R. Stewart,
E. M. Dickson,	R. M. Kincheloe,	J. R. Summers,
D. B. Edmiston,	T. S. Kirk,	J. R. Thomas,
McD. Ferguson,	Henry Kremer,	John M. Tinsley,
John Finn,	Lewis Y. Leavell,	J. H. Welch,
George Will. Follis,	C. W. Mathers,	B. F. Willett,
J. M. Frazee,	W. H. May,	Geo. E. Willett—58.
Wm. Garrison,		

Mr. Halbert moved that said resolution be recommitted to the Committee on Rules.

Said motion was agreed to.

A message was received from the Senate, announcing that they had refused to recede from the amendments proposed by that body to a bill, entitled

H. B. 392. An act to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor November 11, 1892,

And had appointed Senators Anderson, Wortham and McCann as a Committee of Conference on the part of the Senate, and asked the appointment of a like committee on the part of the House, to act in conjunction with said committee, to consider the differences between the two Houses on said bill.

Which was granted.

Ordered, That Messrs. Frazee, Dickson and Botts be appointed as said committee on the part of the House.

The House took up for consideration the special order, a bill, entitled

S. B. 198. An act to divide the State into one hundred Representative Districts.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the State of Kentucky is hereby divided into one hundred Representative Districts, as follows, to wit:

The First district shall be composed of the counties of Hickman and Fulton.

Second district of the counties of Ballard and Carlisle.

Third district of the county of Graves.

Fourth district of the county of McCracken.

Fifth district of the county of Calloway.

Sixth district of the counties of Lyon and Marshall.

Seventh district of the counties of Crittenden and Livingston.

Eighth district of the county of Trigg.

Ninth district of the county of Caldwell.

Tenth district of the county of Christian.

Eleventh district of the county of Hopkins.

Twelfth district of the county of Webster.

Thirteenth district of the county of Henderson.

Fourteenth district of the county of Union.

Fifteenth district of the First Legislative District of the county of Daveiss, embracing the territory outside of the corporate limits of the city of Owensboro.

Sixteenth district of the Second Legislative District of the county of Daveiss, embracing the territory within the corporate limits of the city of Owensboro.

Seventeenth district of the county of McLean.

Eighteenth district of the county of Muhlenberg.

Nineteenth district of the county of Todd.

Twentieth district of the county of Logan.

Twenty first district of the county of Simpson.

Twenty-second district of the county of Allen.

Twenty-third district of magisterial districts Nos. 1 and 2 in Warren county, which district includes the city of Bowling Green.

Twenty-fourth district of all of Warren county, except magisterial districts Nos. 1 and 2.

Twenty-fifth district of the counties of Butler and Edmonson.

Twenty-sixth district of the county of Ohio.

Twenty-seventh district of the county of Grayson.

Twenty-eighth district of the county of Breckinridge.

Twenty-ninth district of the county of Hancock.

Thirtieth district of the county of Meade.

Thirty-first district of the county of Hardin.

Thirty-second district of the county of Larue.

Thirty-third district of the county of Hart.

Thirty-fourth district of the county of Barren.

Thirty-fifth district of the counties of Monroe and Metcalfe.

Thirty-sixth district of the counties of Wayne and Clinton.

Thirty-seventh district of the counties of Adair and Cumberland.

Thirty-eighth district of the counties of Green and Taylor.

Thirty-ninth district of the county of Nelson.

Fortieth district of the county of Marion.

Forty-first district of the counties of Bullitt and Spencer.

Forty-second district of the county of Washington.

Forty-third district of the counties of Casey and Russell.

Forty-fourth district of the First Legislative District of the county of Jefferson, embracing the territory outside of the corporate limits of the city of Louisville.

Forty-fifth district of the Second Legislative District of the county of Jefferson, embracing the territory of the first ward of the city of Louisville.

Forty-sixth district of the Third Legislative District of the county of Jefferson, embracing the territory of the second and third wards of the city of Louisville.

Forty-seventh district of the Fourth Legislative District of the county of Jefferson, embracing the territory of the fourth and fifth wards of the city of Louisville.

Forty-eighth district of the Fifth Legislative District of the county of Jefferson, embracing the territory of the sixth and seventh wards of the city of Louisville.

Forty-ninth district of the Sixth Legislative District of the county of Jefferson, embracing the territory of the eighth and ninth wards of the city of Louisville.

Fiftieth district of the Seventh Legislative District of the county of Jefferson, embracing the territory of the tenth ward of the city of Louisville.

Fifty-first district of the Eighth Legislative District of the county of Jefferson, embracing the territory of the eleventh and twelfth wards of the city of Louisville.

Fifty-second district of the counties of Oldham and Trimble.

Fifty-third district of the counties of Carroll and Gallatin.

Fifty-fourth district of the county of Henry.

Fifty-fifth district of the county of Shelby.

Fifty-sixth district of the county of Franklin.

Fifty-seventh district of the county of Anderson.

Fifty-eighth district of the county of Scott.

Fifty-ninth district of the county of Woodford.

Sixtieth district of the county of Owen.

Sixty-first district of the First Legislative District of the county of Fayette, embracing the territory outside of the corporate limits of the city of Lexington.

Sixty-second district of the Second Legislative District of the

county of Fayette, embracing the territory within the corporate limits of the city of Lexington.

Sixty-third district of the county of Jessamine.

Sixty-fourth district of the county of Mercer.

Sixty-fifth district of the county of Boyle.

Sixty-sixth district of the county of Lincoln.

Sixty-seventh district of the county of Garrard.

Sixty-eighth district of the county of Pulaski.

Sixty-ninth district of the counties of Whitley and Knox.

Seventieth district of the counties of Laurel and Rockcastle.

Seventy-first district of the counties of Clay, Jackson and Owsley.

Seventy-second district of the county of Madison.

Seventy-third district of the counties of Estill and Powell.

Seventy-fourth district of the county of Clark.

Seventy-fifth district of the county of Bourbon.

Seventy-sixth district of the county of Harrison.

Seventy-seventh district of the county of Grant.

Seventy-eighth district of the county of Boone.

Seventy-ninth district of the county of Pendleton.

Eightieth district of the First Legislative District of the county of Kenton, embracing the territory outside of the corporate limits of the city of Covington.

Eighty-first district of the Second Legislative District of the county of Kenton, embracing the territory of the first, second, third, sixth, ninth and tenth wards of the city of Covington.

Eighty-second district of the Third Legislative District of the county of Kenton, embracing the territory of the fourth, fifth, seventh and eighth wards of the city of Covington.

Eighty-third district of the First Legislative District of the county of Campbell, embracing the territory outside the corporate limits of the city of Newport.

Eighty-fourth district of the Second Legislative District of the county of Campbell, embracing the territory within the corporate limits of the city of Newport.

Eighty-fifth district of the county of Bracken.

Eighty-sixth district of the counties of Nicholas and Robertson.

Eighty-seventh district of the county of Mason.

Eighty-eighth district of the county of Fleming.

Eighty-ninth district of the county of Lewis.

Ninetieth district of the counties of Montgomery and Menefee.

Ninety-first district of the counties of Morgan and Wolfe.

Ninety-second district of the counties of Breathitt, Lee and Magoffin.

Ninety-third district of the counties of Bell, Harlan, Leslie and Perry.

Ninety-fourth district of the counties of Bath and Rowan.

Ninety-fifth district of the county of Pike.

Ninety-sixth district of the counties of Johnson and Martin.

Ninety-seventh district of the counties of Knox, Floyd and Letcher.

Ninety-eighth district of the counties of Boyd and Lawrence.

Ninety-ninth district of the county of Greenup.

One hundredth district of the counties of Elliott and Carter.

§ 2. That there shall be one Representative for the House of Representatives of the General Assembly elected from each of said districts at the regular election in the year 1893, and every two years thereafter.

Mr. Edmiston offered an amendment as follows :

Strike out "Clinton," in line 47, and insert in lieu thereof "Russell ;" strike out "Cumberland," in line 48, and insert in lieu thereof "Casey ;" strike out "Casey and Russell," in line 50, and insert in lieu thereof "Clinton and Cumberland."

Said amendment was disagreed to.

Mr. Bailey offered an amendment as follows :

Strike out "Carroll," in line 80.

Said amendment was disagreed to.

Mr. Pettit offered an amendment as follows, viz :

Strike out lines 24, 25 and 26, and insert

Fifteenth district of the First Legislative District of the county of Daveiss, embracing all the territory west of Fredrica street in city of Owensboro, and the Livermore road in said county.

Sixteenth district of the Second Legislative District of the county of Daveiss, embracing all the territory east of Fredrica street in the city of Owensboro and the Livermore road in said county.

Said amendment was disagreed to.

Mr. L. E. Thomas offered the following substitute for said bill :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the State of Kentucky is hereby divided into one hundred Representative Districts, as follows, to wit :

The first district shall be composed of the county of Adair.

Second district of the county of Allen.

Third district of the county of Anderson.

Fourth district of the counties of Ballard and Carlisle.

Fifth district of the county of Barren.

Sixth district of the counties of Bath and Rowan.

Seventh district of the counties of Bell, Harlan, Leslie and Perry.

Eighth district of the county of Boone.

Ninth district of the county of Bourbon.

Tenth district of the counties of Boyd and Lawrence.

Eleventh district of the county of Boyle.

Twelfth district of the county of Bracken.

Thirteenth district of the counties of Breathitt, Morgan and Magoffin.

Fourteenth district of the county of Breckinridge.

Fifteenth district of the counties of Bullitt and Spencer.

Sixteenth district of the counties of Butler and Edmonson.

Seventeenth district of the county of Caldwell.

Eighteenth district of the county of Calloway.

Nineteenth district of the First Legislative District of the county of Campbell, embracing the territory outside the corporate limits of the city of Newport.

Twentieth district of the Second Legislative District of the county of Campbell, embracing the territory within the corporate limits of the city of Newport.

Twenty-first district of the county of Carroll.

Twenty-second district of the counties of Carter and Elliott.

Twenty-third district of the counties of Casey and Russell.

Twenty-fourth district of the county of Christian.

Twenty-fifth district of the county of Clark.

Twenty-sixth district of the counties of Clay, Jackson and Owsley.

Twenty-seventh district of the counties of Clinton and Cumberland.

Twenty-eighth district of the counties of Crittenden and Livingston.

Twenty-ninth district of the First Legislative District of the county of Daveiss, embracing the territory outside the corporate limits of the city of Owensboro.

Thirtieth district of the Second Legislative District of the county of Daveiss, embracing the territory within the corporate limits of the city of Owensboro.

Thirty-first district of the counties of Estill and Lee.

Thirty-second district of the First Legislative District of the county of Fayette, embracing the territory outside the corporate limits of the city of Lexington.

Thirty-third district of the Second Legislative District of the county of Fayette, embracing the territory within the corporate limits of the city of Lexington.

Thirty-fourth district of the county of Fleming.

Thirty-fifth district of the county of Franklin.

Thirty-sixth district of the counties of Floyd, Knott and Letcher.

Thirty-seventh district of the counties of Fulton and Hickman.

Thirty eighth district of the county of Gallatin.

Thirty-ninth district of the county of Garrard.

Fortieth district of the county of Grant.

Forty-first district of the county of Graves.

Forty-second district of the county of Grayson.

Forty-third district of the counties of Green and Taylor.

Forty-fourth district of the county of Greenup.

Forty-fifth district of the county of Hancock.

Forty-sixth district of the county of Hardin.

Forty-seventh district of the county of Harrison.

Forty-eighth district of the county of Hart.

Forty-ninth district of the county of Henderson.

Fiftieth district of the county of Henry.

Fifty-first district of the county of Hopkins.

Fifty-second district of the county of Jessamine.

Fifty-third district of the counties of Johnson, Martin and Pike.

Fifty-fourth district of the county of Jefferson, outside the corporate limits of the city of Louisville.

Fifty-fifth district of the First Legislative District of the county of Jefferson, embracing the territory of the first ward of the city of Louisville.

Fifty-sixth district of the Second Legislative District of the county of Jefferson, embracing the territory of the second and third wards of the city of Louisville.

Fifty-seventh district of the Third Legislative District of the county of Jefferson, embracing the territory of the fourth and fifth wards of the city of Louisville.

Fifty-eighth district of the Fourth Legislative District of the county of Jefferson, embracing the territory of the sixth and seventh wards of the city of Louisville.

Fifty-ninth district of the Fifth Legislative District of the county of Jefferson, embracing the territory of the eighth and ninth wards of the city of Louisville.

Sixtieth District of the Sixth Legislative District of the county of Jefferson, embracing the territory of the tenth ward of the city of Louisville.

Sixty-first district of the Seventh Legislative District of the county of Jefferson, embracing the territory of the eleventh and twelfth wards of the city of Louisville.

Sixty-second district of the First Legislative District of the county of Kenton, embracing the territory of the first, second, third, sixth and ninth wards of the city of Covington.

Sixty-third district of the Second Legislative District of the county of Kenton, embracing the territory of the fourth, fifth, seventh and eighth wards of the city of Covington.

Sixty-fourth district of the county of Kenton, outside the corporate limits of the city of Covington.

Sixty-fifth district of the counties of Knox and Whitley.

Sixty-sixth district of the county of Larue.

Sixty-seventh district of the counties of Laurel and Rockcastle.

Sixty-eighth district of the county of Lewis.
Sixty-ninth district of the county of Lincoln.
Seventieth district of the county of Logan.
Seventy-first district of the counties of Lyon and Marshall.
Seventy-second district of the county of Madison.
Seventy third district of the county of Marion.
Seventy-fourth district of the county of Mason.
Seventy-fifth district of the county of McCracken.
Seventy-sixth district of the county of McLean.
Seventy-seventh district of the county of Meade.
Seventy-eighth district of the county of Mercer.
Seventy-ninth district of the counties of Metcalfe and Monroe.
Eightieth district of the county of Muhlenberg.
Eighty-first district of the counties of Montgomery, Powell, Menefee and Wolfe.
Eighty-second district of the county of Nelson.
Eighty-third district of the counties of Nicholas and Robertson.
Eighty-fourth district of the county of Ohio.
Eighty-fifth district of the counties of Oldham and Trimble.
Eighty-sixth district of the county of Owen.
Eighty-seventh district of the county of Pendleton.
Eighty-eighth district of the county of Pulaski.
Eighty-ninth district of the county of Scott.
Ninetieth district of the county of Shelby.
Ninety-first district of the county of Simpson.
Ninety-second district of the county of Todd.
Ninety-third district of the county of Trigg.
Ninety-fourth district of the county of Union.
Ninety-fifth district of the First Legislative District of the county of Warren, embracing that portion of the county lying within Bowling Green magisterial districts one and two, in which the city of Bowling Green is situated.
Ninety-sixth district of the Second Legislative District of the county of Warren, embracing all of the county lying outside of Bowling Green magisterial districts one and two.
Ninety-seventh district of the county of Washington.
Ninety eighth district of the county of Wayne.
Ninty-ninth district of the county of Webster.
One hundredth district of the county of Woodford.
§ 2. That there shall be one Representative for the House of Representatives of the General Assembly elected from each of said districts at the regular election in the year 1893, and every two years thereafter.

Said substitute was disagreed to.

The yeas and nays being required thereon by Messrs. Ferguson and L. E. Thomas, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Ben. F. Gardner,	C. D. Reed,
W. S. Bailey,	B. B. Hensley,	D. H. Severs,
John Bartman,	J. S. Joplin,	Lewis E. Thomas,
A. J. Carroll,	Henry Kremer,	N. S. Walton,
A. H. Charlton,	John S. May,	John D. Woods—17.
Wm. Garrison,	I. M. Quigley,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. M. Frazee,	H. P. Lively,
Posey D. Ball,	J. P. Gay,	C. W. Mathers,
John T. Bashaw,	J. C. Glenn,	W. H. May,
W. P. Beard,	Geo. T. Halbert,	W. F. Peak,
B. F. Bennett,	Thos. H. Hanks,	J. A. Perkins,
P. S. Bruner,	U. G. Harlow,	Thos. S. Pettit,
Polk Cansler,	H. K. Hay,	J. F. Porter,
B. E. Caudill,	P. R. Hays,	A. T. Pullen,
F. P. Combest,	W. J. Hissem,	R. E. Roberts,
R. F. Comer,	F. W. Hutcheson,	Waller Sharp,
J. S. Cullen,	Daniel James,	W. R. Stewart,
J. M. Dawson, Jr.,	W. W. Johnson,	J. R. Summers,
E. M. Dickson,	R. M. Kincheloe,	J. R. Thomas,
D. B. Edmiston,	T. S. Kirk,	John M. Tinsley,
McD. Ferguson,	Lewis Y. Leavell,	B. F. Willett—46.
John Finn,		

Mr. Pettit moved that the vote by which the amendment offered by him was disagreed to be now reconsidered.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and O'Meara, were as follows, viz :

Those who voted in the affirmative, were—

W. S. Bailey,	Thos. S. Pettit,	Lewis E. Thomas,
H. K. Hay,	J. F. Porter,	N. S. Walton,
John S. May,	A. T. Pullen,	Geo. E. Willett—10.
J. P. O'Meara,		

Those who voted in the negative, were—

Mr. (Speaker Moore),	Wm. Garrison,	Lewis Y. Leavell,
Posey D. Ball,	Ben. F. Gardner,	H. P. Lively,
John Bartman,	J. P. Gay,	W. H. May,
W. P. Beard,	J. C. Glenn,	W. F. Peak,
B. F. Bennett,	S. M. Gough,	J. A. Perkins,

B. T. Birkhead,	Geo. T. Halbert,	I. M. Quigley,
John Botts,	Thos. H. Hanks,	C. D. Reed,
P. S. Bruner,	U. G. Harlow,	R. E. Roberts,
A. J. Carroll,	A. L. Harned,	D. H. Severs,
B. E. Caudill,	P. R. Hays,	Waller Sharp,
A. H. Charlton,	B. B. Hensley,	S. H. Shouse,
F. P. Combest,	W. J. Hissem,	W. W. Stephenson,
R. F. Comer,	F. W. Hutcheson,	J. R. Summers,
J. M. Dawson, Jr.,	Daniel James,	J. R. Thomas,
D. B. Edmiston,	W. W. Johnson,	John M. Tinsley,
McD. Ferguson,	R. M. Kincheloe,	J. H. Welch,
John Finn,	T. S. Kirk,	B. F. Willett,
George Will Follis,	Henry Kremer,	John D. Woods—55.
J. M. Frazee,		

Mr. Hissem offered an amendment as follows, viz :

Section 3. Whereas, an election is to be held for Representatives at the regular election in November next, therefore an emergency exists, and is hereby declared, and this bill shall take effect and be in force from and after its passage and approval by the Governor.

Said amendment was disagreed to.

Mr. Bailey offered the following motion, viz :

WHEREAS, The House has expressed its disapproval of the Legislative Districts as heretofore existing ; and whereas, the Constitution plainly and expressly provides the manner and conditions which shall be recognized in redistricting ; therefore, be it

Resolved by the House, That Senate Bill No. 198, together with all substitutes, be recommitted to the Committee on Legislative Districts, with instructions to prepare and report to this body a bill dividing the State into one hundred Representative Districts, strictly in accordance with the expressed requirements of the Constitution, so far as is possible. In arranging districts the committee shall provide that they shall be "as nearly equal in population as may be without dividing a county, except where a county may include more than one district," and no departure from this rule shall be made, except where inequality of population shall be unavoidable, then advantage shall be given to districts having the largest territory.

Which amendment was disagreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time by its title,

The constitutional provision as to the reading of said bill the third time at length being dispensed with.

Mr. Bailey moved to reconsider the vote by which said bill was ordered to its third reading.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Bailey and Gardner, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Ben. F. Gardner,	A. T. Pullen,
W. S. Bailey,	Geo. T. Halbert,	I. M. Quigley,
John Bartman,	A. L. Harned,	C. D. Reed,
R. F. Bass,	Henry Kremer,	Lewis E. Thomas,
P. S. Bruner,	C. W. Mathers,	John M. Tinsley,
Polk Cansler,	John S. May,	N. S. Walton,
A. J. Carroll,	J. A. Perkins,	J. H. Welch,
A. H. Charlton,	Thos. S. Pettit,	B. F. Willett—25.
Wm. Garrison,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. C. Glenn,	H. P. Lively,
Posey D. Ball,	S. M. Gough,	W. H. May,
John T. Bashaw,	Thos. H. Hanks,	W. F. Peak,
W. P. Beard,	H. K. Hay,	J. F. Porter,
B. F. Bennett,	P. R. Hays,	R. E. Roberts,
B. T. Birkhead,	B. B. Hensley,	D. H. Severs,
John Botts,	W. J. Hissem,	Waller Sharp,
F. P. Combest,	F. W. Hutcheson,	S. H. Shouse,
J. M. Dawson, Jr.,	Daniel James,	W. W. Stephenson,
E. M. Dickson,	W. W. Johnson,	W. R. Stewart,
D. B. Edmiston,	J. S. Joplin,	J. R. Summers,
McD. Ferguson,	R. M. Kincheloe,	J. R. Thomas,
John Finn,	T. S. Kirk,	Geo. E. Willett,
J. M. Frazee,	Lewis Y. Leavell,	John D. Woods—43.
J. P. Gay,		

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	H. P. Lively,
Posey D. Ball,	Wm. Garrison,	W. H. May,
John T. Bashaw,	J. P. Gay,	J. P. O'Meara,
R. F. Bass,	J. C. Glenn,	W. F. Peak,
W. P. Beard,	S. M. Gough,	J. F. Porter,

B. F. Bennett,	Thos. H. Hanks,	C. D. Reed,
B. T. Birkhead,	U. G. Harlow,	R. E. Roberts,
John Botts,	A. L. Harned,	D. H. Severs,
A. J. Carroll,	H. K. Hay,	Waller Sharp,
A. H. Charlton,	P. R. Hays,	S. H. Shouse,
F. P. Combest,	B. B. Hensley,	W. W. Stephenson,
R. F. Comer,	F. W. Hutcheson,	W. R. Stewart,
J. S. Cullen,	Daniel James,	J. R. Summers,
J. M. Dawson, Jr.,	W. W. Johnson,	J. R. Thomas,
E. M. Dickson,	J. S. Joplin,	N. S. Walton,
D. B. Edmiston,	R. M. Kincheloe,	J. H. Welch,
McD. Ferguson,	T. S. Kirk,	Geo. E. Willett,
John Finn,	Lewis Y. Leavell,	John D. Woods—55.
George Will. Follis,		

Those who voted in the negative, were—

Lewis Alexander, Sr.,	Geo. T. Halbert,	Thos. S. Pettit,
W. S. Bailey,	W. J. Hissem,	I. M. Quigley,
P. S. Bruner,	C. W. Mathers,	Lewis E. Thomas,
Polk Cansler,	John S. May,	John M. Tinsley,
B. E. Caudill,	J. A. Perkins,	B. F. Willett—16.
Ben. F. Gardner,		

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

THURSDAY, APRIL 20, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	McD. Ferguson,	C. W. Mathers,
Lewis Alexander, Sr.,	John Finn,	W. H. May,
W. S. Bailey,	George Will. Follis,	W. F. Neat,
John T. Bashaw,	J. M. Frazee,	W. F. Peak,
R. F. Bass,	Wm. Garrison,	J. A. Perkins,
W. P. Beard,	J. C. Glenn,	Thos. S. Pettit,
B. F. Bennett,	Geo. T. Halbert,	A. T. Pullen,

B. T. Birkhead,	Thos. H. Hanks,	C. D. Reed,
John Botts,	U. G. Harlow,	D. H. Severs,
P. S. Bruner,	A. L. Harned,	S. H. Shouse,
Polk Cansler,	H. K. Hay,	W. W. Stephenson,
B. E. Caudill,	P. R. Hays,	W. R. Stewart,
A. H. Charlton,	B. B. Hensley,	J. R. Summers,
F. P. Combest,	W. J. Hissem,	Samuel O. Tate,
R. F. Comer,	Berry Howard,	Lewis E. Thomas,
L. J. Cox,	Daniel James,	J. R. Thomas,
J. S. Cullen,	W. W. Johnson,	D. W. Tribble,
J. M. Dawson, Jr.,	J. S. Joplin,	N. S. Walton,
James R. Dean,	R. M. Kincheloe,	J. H. Welch,
E. M. Dickson,	T. S. Kirk,	Geo. E. Willett,
J. E. Durham,	H. P. Lively,	John D. Woods—64.
D. B. Edmiston,		

The following members were absent, viz :

T. J. Arnett,	Henry Kremer,	J. F. Porter,
W. W. Ayres,	William Krieger,	E. M. Pryse,
Posey D. Ball,	Lewis Y. Leavell,	I. M. Quigley,
John Bartman,	John M. Letterle,	R. E. Roberts,
A. J. Carroll,	John S. May,	John Ryan,
Will J. Cox,	Hiram McElroy,	Waller Sharp,
Wesley Crow,	M. D. McInerney,	Fenton Sims,
Ben. F. Gardner,	Harvey Myers,	C. C. Spalding,
J. P. Gay,	Eli Nicholls,	John M. Tinsley,
S. M. Gough,	J. P. O'Meara,	H. P. Whitaker,
R. K. Hart,	John Lee Payne,	B. F. Willett,
F. W. Hutcheson,	Granville Philpot,	R. B. Wilson—36.

The Journal of yesterday's proceedings was approved.

Leave of absence, for an indefinite period, was granted to Mr. Tinsley.

Mr. Summers, from the Committee on Mines and Mining, reported H. B. 134, entitled

A bill to better protect wage-earners in the State employed in mines,

Together with an amendment proposed by the Senate thereto by way of substitute therefor.

Said amendment was disagreed to.

Mr. Ball called from the Clerk's desk the motion, heretofore entered by Mr. Frazee, to reconsider the vote by which the House postponed indefinitely

H. Resolution 95. Resolution authorizing encampment of State Guard at Chicago in 1893.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Bashaw and Hensley, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	Thos. S. Pettit,
W. S. Bailey,	Wm. Garrison,	A. T. Pullen,
Posey D. Ball,	Ben. F. Gardner,	I. M. Quigley,
John Bartman,	J. P. Gay,	C. D. Reed,
R. F. Bass,	J. C. Glenn,	R. E. Roberts,
B. F. Bennett,	A. L. Harned,	D. H. Severs,
John Botts,	H. K. Hay,	Waller Sharp,
P. S. Bruner,	P. R. Hays,	S. H. Shouse
Polk Cansler,	B. B. Hensley,	W. W. Stephenson,
A. J. Carroll,	W. J. Hissem,	J. R. Thomas,
A. H. Charlton,	R. M. Kincheloe,	D. W. Tribble,
L. J. Cox,	Henry Kremer,	N. S. Walton,
J. M. Dawson, Jr.,	W. H. May,	J. H. Welch,
E. M. Dickson,	John S. May,	Geo. E. Willett,
D. B. Edmiston,	J. P. O'Meara,	John D. Woods—46.
George Will Follis,		

Those who voted in the negative, were—

John T. Bashaw,	Geo. T. Halbert,	W. F. Neat,
W. P. Beard,	Thos. H. Hanks,	W. F. Peak,
B. E. Caudill,	U. G. Harlow,	J. A. Perkins,
F. P. Combest,	Daniel James,	W. R. Stewart,
R. F. Comer,	W. W. Johnson,	J. R. Summers,
J. S. Cullen,	J. S. Joplin,	Samuel O. Tate,
J. E. Durham,	H. P. Lively,	Lewis E. Thomas,
McD. Ferguson,	C. W. Mathers,	B. F. Willett—25.
John Finn,		

Said resolution was disagreed to.

[See House Journal March 21st.]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	John Finn,	John S. May,
W. S. Bailey,	George Will. Follis,	J. P. O'Meara,
Posey D. Ball,	J. M. Frazee,	Thos. S. Pettit,
John Bartman,	Wm. Garrison,	A. T. Pullen,
R. F. Bass,	Ben. F. Gardner,	I. M. Quigley,
B. F. Bennett,	J. P. Gay,	R. E. Roberts,

B. T. Birkhead,	U. G. Harlow,	D. H. Severs,
John Botts,	A. L. Harned,	Waller Sharp,
P. S. Bruner,	H. K. Hay,	S. H. Shouse,
Polk Cansler,	P. R. Hays,	W. W. Stephenson,
A. J. Carroll,	B. B. Hensley,	Lewis E. Thomas,
A. H. Charlton,	W. J. Hissem,	D. W. Tribble,
L. J. Cox,	Daniel James,	N. S. Walton,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. H. Welch,
E. M. Dickson,	Henry Kremer,	Geo. E. Willett,
D. B. Edmiston,	W. H. May,	John D. Woods—48.

Those who voted in the negative, were—

Mr. (Speaker Moore),	J. C. Glenn,	W. F. Peak,
John T. Bashaw,	Geo. T. Halbert,	J. A. Perkins,
W. P. Beard,	Thos. H. Hanks,	C. D. Reed,
B. E. Caudill,	W. W. Johnson,	W. R. Stewart,
F. P. Combest,	J. S. Joplin,	J. R. Summers,
R. F. Comer,	H. P. Lively,	Samuel O. Tate,
J. S. Cullen,	C. W. Mathers,	J. R. Thomas,
James R. Dean,	W. F. Neat,	B. F. Willett—25.
J. E. Durham,		

A message was received from the Senate, announcing that they had passed bills as follows :

1. S. B. 204. An act in relation to the Library of the Commonwealth and the Librarian thereof, and entitled "Library."

2. S. B. 226. An act to provide for the more perfect and uniform indexing of the public records in counties of this Commonwealth having a population of seventy-five thousand or more.

Ordered, That said bills be referred—the 1st to the Committee on Public Offices and Library ; the 2d to the Committee on Circuit Courts.

That they had adopted the report of the Committee of Conference relative to

H. B. 373. An act to regulate the running at large of stock, And that they had passed said bill as amended thereby.

Ordered, That the said bill and report lie on the Clerk's desk.

The House took from the orders of the day S. B. 188, entitled An act relating to and providing for a Court of Appeals.

Mr. Bashaw moved that said bill be recommitted to the Committee on Court of Appeals and Superior Court, with instruc-

tions to said committee to prepare and report a substitute for said bill providing for five judges of the Court of Appeals, and dividing the State into five Appellate Districts.

Said motion was agreed to.

The yeas and nays being demanded thereon by Messrs. Pettit and Ferguson, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Dawson, Jr.,	H. P. Lively,
John T. Bashaw,	James R. Dean,	C. W. Mathers,
B. F. Bennett,	J. E. Durham,	W. F. Peak,
B. T. Birkhead,	McD. Ferguson,	J. A. Perkins.
John Botts,	John Finn,	Thos. S. Pettit,
P. S. Bruner,	J. C. Glenn,	A. T. Pullen,
Polk Cansler,	Geo. T. Halbert,	C. D. Reed,
B. E. Caudill,	U. G. Harlow,	W. R. Stewart,
F. P. Combest,	H. K. Hay,	J. R. Summers,
R. F. Comer,	P. R. Hays,	Samuel O. Tate,
L. J. Cox,	J. S. Joplin,	N. S. Walton,
J. S. Cullen,	R. M. Kincheloe,	Geo. E. Willett—36.

Those who voted in the negative, were—

Lewis Alexander, Sr.,	Thos. H. Hanks,	I. M. Quigley,
W. S. Bailey,	B. B. Hensley,	R. E. Roberts,
Posey D. Ball,	Daniel James,	S. H. Shouse,
A. J. Carroll,	W. W. Johnson,	W. W. Stephenson,
A. H. Charlton,	T. S. Kirk,	J. R. Thomas,
E. M. Dickson,	Henry Kremer,	D. W. Tribble,
D. B. Edmiston,	W. H. May,	J. H. Welch,
George Will. Follis,	John S. May,	B. F. Willett,
J. M. Frazee,	J. P. O'Meara,	John D. Woods—28.
Ben. F. Gardner,		

And then the House adjourned.

FRIDAY, APRIL 21, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Woods in the chair as Speaker *pro tem.*, he having been designated as such by the Speaker.

Upon the call of the roll, the following members were present, viz :

Lewis Alexander, Sr.,	John Finn,	C. W. Mathers,
W. S. Bailey,	Geo. Will. Follis,	John S. May,
R. F. Bass,	J. M. Frazee,	W. F. Neat,
W. P. Beard,	Wm. Garrison,	W. F. Peak,
B. F. Bennett,	J. C. Glenn,	J. A. Perkins,
B. T. Birkhead,	Geo. T. Halbert,	A. T. Pullen,
John Botts,	Thos. H. Hanks,	C. D. Reed,
P. S. Bruner,	U. G. Harlow,	D. H. Severs,
Polk Cansler,	A. L. Harned,	S. H. Shouse,
B. E. Candill,	P. R. Hays,	W. W. Stephenson,
A. H. Charlton,	B. B. Hensley,	W. R. Stewart,
R. F. Comer,	W. J. Hissem,	J. R. Summers,
L. J. Cox,	Daniel James,	J. R. Thomas,
J. S. Cullen,	W. W. Johnson,	D. W. Tribble,
J. M. Dawson, Jr.,	J. S. Joplin,	N. S. Walton,
James R. Dean,	R. M. Kincheloe,	J. H. Welch,
E. M. Dickson,	T. S. Kirk,	Geo. E. Willett,
J. E. Durham,	Lewis Y. Leavell,	John D. Woods—56.
McD. Ferguson,	H. P. Lively,	

The following members were absent :

Mr. Speaker (Moore),	H. K. Hay,	J. F. Porter,
T. J. Arnett,	Berry Howard,	E. M. Pryse,
W. W. Ayres,	F. W. Hutcheson,	I. M. Quigley,
Posey D. Ball,	Henry Kremer,	R. E. Roberts,
John Bartman,	William Krieger,	John Ryan,
John T. Bashaw,	John M. Letterle,	Waller Sharp,
A. J. Carroll,	W. H. May,	Fenton Sims,
F. P. Combest,	Hiram McElroy,	C. C. Spalding,
W. J. Cox,	M. D. McInerney,	Samuel O. Tate,
Wesley Crow,	Harvey Myers,	Lewis E. Thomas,
D. B. Edmiston,	Eli Nicholls,	John M. Tinsley,
Ben. F. Gardner,	J. P. O'Meara,	H. P. Whitaker,
J. P. Gay,	John Lee Payne,	B. F. Willett,
S. M. Gough,	Thos. S. Pettit,	R. B. Wilson—44.
R. K. Hart,	Granville Philpot,	

The Journal of yesterday's proceedings was approved.

Mr. Kincheloe introduced the following new bill:

H. B. 522. A bill to amend an act, entitled "An act relating to crimes and punishments," approved April 10, 1893.

Which was referred to the Committee on General Statutes.

Mr. Tribble presented the petition of sundry citizens of Tipton voting precinct, in Madison county, asking for the passage of a law changing the name of said precinct from Tipton to College Hill.

Which was received, the reading thereof dispensed with, and referred to the Committee on County and City Courts.

The House took from the Clerk's desk H. B. 373, entitled

A bill to regulate the running at large of stock,

Together with the report of the Committee of Conference thereon as adopted by the Senate.

[See yesterday's Journal.]

The said report of conference is as follows, viz:

To the President of the Senate and Speaker of the House of Representatives:

Your Committee of Conference selected to consider the disagreement between the House and Senate with respect to House Bill No. 373, respectfully recommend that the Senate recede from all of its amendments, except the amendment to strike section No. 4 from the bill, in which amendment it is recommended that the House concur.

That section No. 1 be amended as follows: Insert the words "or voting" immediately after the word "magisterial," in line one; strike out the word "or" immediately after the word "county," in line six, and insert immediately after the word "justices," in same line, the words "or voting," and add to said section the following: *Provided, however,* That before any election shall be held under the provisions of this act that the fiscal court of the county shall decide, by a majority of the members composing the same, whether said election shall be confined to voting or magisterial districts, or shall be to take the sense of the voters of the entire county, such decision of said court to be entered on the records of said court, and the

same shall not be changed for a period of four years: *And provided further*, That no subsequent order of said court, in respect to the territory to be embraced at any election, shall have the effect to annul or render void any election held under the provisions hereof until after the expiration of four years from the date of such election.

Your committee further recommends that section No. 8 be stricken from the bill.

Senate Committee.

C. A. BOARD, *Ch'n*,
JOHN W. OGILVIE,
J. T. CALDWELL.

House Committee.

BEN. F. GARDNER, *Ch'n*,
J. P. O'MEARA,
B. T. BIRKHEAD.

Said report was agreed to.

Said bill, as amended, was passed.

[*For Bill, see House Journal December 6, 1892.*]

The yeas and nays being taken on the passage of said bill, as amended, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	George Will. Follis,	J. P. O'Meara,
W. S. Bailey,	J. M. Frazee,	W. F. Peak,
R. F. Bass,	Wm. Garrison,	J. A. Perkins,
W. P. Beard,	J. P. Gay,	A. T. Pullen,
B. F. Bennett,	J. C. Glenn,	C. D. Reed,
B. T. Birkhead,	Geo. T. Halbert,	D. H. Severs,
John Botts,	Thos. H. Hanks,	Waller Sharp,
P. S. Bruner,	A. L. Harned,	S. H. Shouse,
A. J. Carroll,	P. R. Hays,	W. W. Stephenson,
A. H. Charlton,	B. B. Hensley,	J. R. Summers,
R. F. Comer,	W. J. Hissem,	D. W. Tribble,
L. J. Cox,	Daniel James,	N. S. Walton,
James R. Dean,	W. W. Johnson,	J. H. Welch,
E. M. Dickson,	T. S. Kirk,	Geo. E. Willett
J. E. Durham,	Lewis Y. Leavell,	John D. Woods—47.
John Finn,	C. W. Mathers,	

Those who voted in the negative, were—

Polk Cansler,	U. G. Harlow,	W. F. Neat,
J. S. Cullen,	J. S. Joplin,	I. M. Quigley,
J. M. Dawson, Jr.,	R. M. Kincheloe,	W. R. Stewart—11.
McD. Ferguson,	H. P. Lively,	

Mr. J. R. Thomas entered a motion to reconsider the vote by which the House refused to adopt

H. Resolution 95. Resolution authorizing the encampment of the State Guard at Chicago in 1893.

The House resolved itself into a Committee of the Whole House for the further consideration of

H. B. 388. A bill relating to roads and passways.

Mr. Hanks in the chair.

After a time, Mr. Hanks, as Chairman of the Committee of the Whole House, reported that they had made some progress, but not having time to complete same, asked leave to sit again.

Which was granted.

And then the House adjourned.

SATURDAY, APRIL 22, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	George Will. Follis,	C. W. Mathers,
Lewis Alexander, Sr.,	J. M. Frazee,	John S. May,
W. S. Bailey,	Wm. Garrison,	W. F. Neat,
John T. Bashaw,	J. C. Glenn,	W. F. Peak,
R. F. Bass,	Geo. T. Halbert,	J. A. Perkins,
W. P. Beard,	Thos. H. Hanks,	Thos. S. Pettit,
B. T. Birkhead,	U. G. Harlow,	J. F. Porter,
John Botts,	P. R. Hays,	A. T. Pullen,
P. S. Bruner,	B. B. Hensley,	C. D. Reed,
Polk Cansler,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	W. W. Stephenson,
R. F. Comer,	Daniel James,	W. R. Stewart,
L. J. Cox,	W. W. Johnson,	J. R. Summers,
J. M. Dawson, Jr.,	J. S. Joplin,	J. R. Thomas,
James R. Dean,	M. R. Kincheloe,	D. W. Tribble,
J. E. Durham,	T. S. Kirk,	N. S. Walton,
McD. Ferguson,	Lewis Y. Leavell,	J. H. Welch,
John Finn,	H. P. Lively,	Geo. E. Willett—54.

The following members were absent, viz :

T. J. Arnett,	A. L. Harned,	E. M. Pryse,
W. W. Ayres,	R. K. Hart,	I. M. Quigley,
Posey D. Ball,	H. K. Hay,	R. E. Roberts,
John Bartman,	Berry Howard,	John Ryan,
B. F. Bennett,	Henry Kremer,	Waller Sharp,
A. J. Carroll,	William Krieger,	S. H. Shouse,
A. H. Charlton,	John M. Letterle,	Fenton Sims,
F. P. Combest,	W. H. May,	C. C. Spalding,
W. J. Cox,	Hiram McElroy,	Samuel O. Tate,
Wesley Crow,	M. D. McInerney,	Lewis E. Thomas,
J. S. Cullen,	Harvey Myers,	John M. Tinsley,
E. M. Dickson,	Eli Nicholls,	H. P. Whitaker,
D. B. Edmiston,	J. P. O'Meara,	B. F. Willett,
Ben. F. Gardner,	John Lee Payne,	R. B. Wilson,
J. P. Gay,	Granville Philpot,	John D. Woods—46.
S. M. Gough,		

The Journal of yesterday's proceedings was approved.

Leave of absence, for an indefinite period, was granted to Messrs. Combest and Woods.

Mr. Tribble introduced the following bill, viz :

H. B. 523. A bill dividing the State into thirty-eight Senatorial Districts.

Which, by unanimous consent, was ordered printed, and referred to the Committee on Legislative Districts.

Mr. Walton, from the Committee on Printing and Accounts, reported H. Resolution 98, entitled

Resolution directing the Public Printer to deliver to the Secretary of State bound volumes of the Journals of the two Houses of this General Assembly.

Which was read the first time at length, and ordered to be printed, and read the second time on another day.

Committees reported the following bills, with the expression of opinion that they ought not to pass, viz :

By Mr. Halbert, from the Committee on General Statutes—

H. B. 501. A bill to amend sections 28 and 37 of chapter 100 of the Acts of the present General Assembly.

By Mr. Hensley, from the Committee on Claims—

House Resolution 68. Resolution fixing the pay of the Pages and Messengers of the General Assembly.

By same—

H. B. 71. A bill regulating the annual allowance to pauper idiots, and providing for the payment of the same.

By same—

H. B. 164. A bill fixing the pay of certain officers and employes of the General Assembly.

Said bills and resolution were severally read the first time.

And the question being taken, "Shall said bills be read the second time, and be printed, the opinion of the committee to the contrary notwithstanding?" it was decided in the negative.

And so said bills were rejected.

The House took from the orders of the day H. B. 67, entitled A bill to appropriate money to pay for completing the buildings of the Kentucky Institute for the Education and Training of Feeble-minded Children.

Ordered, That said bill be recommitted to the Committee on Judiciary.

The House took from the orders of the day S. B. 103, entitled An act relating to fees.

The Senate having concurred in certain amendments proposed thereto by the House of Representatives, having concurred in certain other such amendments with amendments thereto, and having refused to concur in certain other such amendments.

[*See Senate Journal April 13, 1893.*]

The House refused to concur in the amendments proposed by the Senate to certain House amendments, and refused to recede from its amendments proposed to said bill.

On motion of Mr. Frazee,

Ordered, That a committee of three be appointed by the Speaker, to ask for and act with a like committee on the part of the Senate, to take into consideration the matters of difference between the two Houses upon said bill.

The Speaker appointed Messrs. Hanks, Severs and Botts as said committee on the part of the House.

A message was received from the Senate, announcing that they had passed bills, which originated in the House, of the following titles, viz :

H. B. 445. An act for the incorporation and regulation of town and county co-operative or assessment fire insurance companies.

H. B. 492. An act to repeal an act, entitled "An act to amend the charter of the Covington and DeCoursey Creek Turnpike Road Company," approved February 28, 1865.

H. B. 258. An act to establish a State Board of Pharmacy, defining its duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky,

With an amendment to the last-named bill by way of substitute therefor.

That they had adopted a resolution, entitled

S. Resolution 57. Resolution declaring an emergency for the passage of Senate bill No. 198.

Ordered, That said resolution be referred to the Committee on Legislative Districts.

That they had adopted the report of the Committee of Conference relative to a bill, entitled

S. B. 214. An act concerning office and officer,
And had passed said bill as amended.

That they had refused to concur in amendments proposed by the House to bills, which originated in the Senate, entitled

S. B. 163. An act relating to courts of justice.

S. B. 182. An act relating to husband and wife, and entitled "Husband and Wife."

That they had concurred in amendment No. 3, and had refused to concur in remainder of amendments proposed by the House to

S. B. 126. An act concerning juries, and entitled "Juries."

The House took up from the Clerk's desk the last three above-named bills, and refused to recede from the amendments heretofore proposed and adopted by the House to said bills, severally and respectively.

On motion of Mr. Welch,

Ordered, That the Speaker be directed to appoint a committee of three members of this House, to ask for and act with a like committee on the part of the Senate, to take into consideration the matters of difference between the two Houses arising on

S. B. 163. An act relating to courts of justice.

The Speaker appointed as said committee, on the part of the House, Messrs. Welch, Leavell and Geo. E. Willett.

On motion of Mr. O'Meara,

Ordered, That the Speaker be directed to appoint a committee of three members of this House, to ask for and act with a like committee on the part of the Senate, to take into consideration the matters of difference between the two Houses arising upon

S. B. 182. An act relating to husband and wife, and entitled "Husband and Wife."

The Speaker appointed as said committee, on the part of the House, Messrs. Halbert, O'Meara and Garrison.

On motion of Mr. Hanks,

Ordered, That the Speaker be directed to appoint a committee of three members of this House, to ask for and act with a like committee on the part of the Senate, to take into consideration the matters of difference between the two Houses arising upon

S. B. 126. An act concerning juries, and entitled "Juries."

The Speaker appointed as said committee, on the part of the House, Messrs. Peak, James and Birkhead.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the Senate, of the following titles, viz :

S. B. 75. An act relating to claims upon the Treasury ;

S. B. 217. An act for the government of towns of the sixth class ;

S. B. 227. An act concerning notaries public ;

S. B. 235. An act to prevent unjust and oppressive taxation for turnpike road purposes ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time said Enrolling Clerk reported that he had performed that duty.

And then the House adjourned.

MONDAY, APRIL 24, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their, names viz :

Mr. (Speaker Moore),	J. M. Frazee,	Lewis Y. Leavell,
John T. Bashaw,	Wm. Garrison,	H. P. Lively,
R. F. Bass,	J. C. Glenn,	John S. May,
W. P. Beard,	S. M. Gough,	W. F. Neat,
B. T. Birkhead,	Geo. T. Halbert,	J. P. O'Meara,
P. S. Bruner,	Thos. H. Hanks,	J. A. Perkins,
Polk Cansler,	U. G. Harlow,	J. F. Porter,
B. E. Caudill,	A. L. Harned,	A. T. Pullen,
R. F. Comer,	P. R. Hays,	C. D. Reed,
J. S. Cullen,	B. B. Hensley,	D. H. Severs,
J. M. Dawson, Jr.,	W. J. Hissem,	C. C. Spalding,
James R. Dean,	F. W. Hutcheson,	W. R. Stewart
E. M. Dickson,	Daniel James,	J. R. Summers,
J. E. Durham,	W. W. Johnson,	N. S. Walton,
McD. Ferguson,	J. S. Joplin,	J. H. Welch,
John Finn,	R. M. Kincheloe	B. F. Willett,
George Will. Follis,	T. S. Kirk,	Geo. E. Willett—51.

The following members were absent, viz :

Lewis Alexander, Sr.,	R. K. Hart,	E. M. Pryse,
T. J. Arnett,	H. K. Hay,	I. M. Quigley,
W. W. Ayres,	Berry Howard,	R. E. Roberts,
W. S. Bailey,	Henry Kremer,	John Ryan,
Posey D. Ball,	William Krieger,	Waller Sharp,
John Bartman,	John M. Letterle,	S. H. Shouse,
B. F. Bennett,	C. W. Mathers,	Fenton Sims,
John Botts,	W. H. May,	W. W. Stephenson,
A. J. Carroll,	Hiram McElroy,	Samuel O. Tate,
A. H. Charlton,	M. D. McInerney,	Lewis E. Thomas,
F. P. Combest,	Harvey Myers,	J. R. Thomas,
L. J. Cox,	Eli Nicholls,	John M. Tinsley,
W. J. Cox,	John Lee Payne,	D. W. Tribble,
Wesley Crow,	W. F. Peak,	H. P. Whitaker,
D. B. Edmiston,	Thos. S. Pettit,	R. B. Wilson,
Ben. F. Gardner,	Granville Philpot,	John D. Woods—49.
J. P. Gay,		

The Journal of Saturday's proceedings was approved.

Mr. Bashaw introduced the following new bill, viz :

H. B. 524. A bill to amend sections 1 and 5 of an act, entitled "An act concerning the State Inspector and Examiner," approved January 13, 1893.

Which was referred to the Committee on General Statutes.

The House took from the orders of the day bills and a resolution as follows, viz :

H. Resolution 99. Resolution providing for the appointment of a joint committee to systematize the laws of this Commonwealth.

H. B. 485. A bill to provide additional clerical force in the Attorney-General's office.

H. B. 515. A bill prescribing the duties of all peace officers of this Commonwealth in making, or causing to be made, arrests in certain cases, and fixing a penalty for a failure of their duties therein.

S. B. 219. An act concerning the General Assembly.

Said resolution and bills were severally read the second time by their titles,

The constitutional provision as to reading of said bills and resolution the second time at length being dispensed with.

A message was received from the Governor, announcing that he had approved and signed enrolled bills, which originated in the House, entitled

H. B. 161. An act concerning the State Board of Health.

H. B. 294. An act to amend section one of an act, entitled "An act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State.

H. B. 463. An act concerning conveyances.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 198. An act to divide the State into one hundred Representative districts,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 240. An act continuing the Kentucky State Dental Association, and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth ;

H. B. 456. An act relating to State Penitentiaries ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. Halbert, from the Committee on General Statutes, reported, without amendment

S. B. 208. An act relating to executions.

Which was read at length the first time, ordered to be printed, and read the second time on another day.

And then the House adjourned.

TUESDAY, APRIL 25, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	Wm. Garrison,	C. W. Mathers,
John T. Bashaw,	J. C. Glenn,	W. H. May,
R. F. Bass,	S. M. Gough,	John S. May,
W. P. Beard,	Geo. T. Halbert,	W. F. Neat,
B. T. Birkhead,	Thos. H. Hanks,	Eli Nicholls,
Polk Cansler,	U. G. Harlow,	J. A. Perkins,
A. H. Charlton,	A. L. Harned,	J. F. Porter,
R. F. Comer,	H. K. Hay,	E. M. Pryse,
L. J. Cox,	P. R. Hays,	A. T. Pullen,
J. S. Cullen,	B. B. Hensley,	C. D. Reed,
J. M. Dawson, Jr.,	W. J. Hissem,	D. H. Severs,
James R. Dean,	F. W. Hutcheson,	S. H. Shouse,
E. M. Dickson,	Daniel James,	C. C. Spalding,
J. E. Durham,	W. W. Johnson,	W. W. Stephenson,
McD. Ferguson,	R. M. Kincheloe,	W. R. Stewart,
John Finn,	T. S. Kirk,	J. R. Summers,
Geo. Will. Follis,	Lewis Y. Leavell,	N. S. Walton,
J. M. Frazee,	H. P. Lively,	Geo. E. Willett—54.

The following members were absent :

Lewis Alexander, Sr.,	J. P. Gay,	I. M. Quigley,
T. J. Arnett,	R. K. Hart,	R. E. Roberts,
W. W. Ayres,	Berry Howard,	John Ryan,
W. S. Bailey,	J. S. Joplin,	Waller Sharp,
Posey D. Ball,	Henry Kremer,	Fenton Sims,
John Bartman,	William Krieger,	Samuel O. Tate,
B. F. Bennett,	John M. Letterle,	Lewis E. Thomas,
John Botts,	Hiram McElroy,	J. R. Thomas,
P. S. Bruner,	M. D. McInerney,	John M. Tinsley,
A. J. Carroll,	Harvey Myers,	D. W. Tribble,
B. E. Caudill,	J. P. O'Meara,	J. H. Welch,
F. P. Combest,	John Lee Payne,	H. P. Whitaker,
W. J. Cox,	W. F. Peak,	B. F. Willett,
Wesley Crow,	Thos. S. Pettit,	R. B. Wilson,
D. B. Edmiston,	Granville Philpot,	John D. Woods—46.
Ben. F. Gardner,		

The Journal of yesterday's proceedings was approved.

New bills were introduced as follows :

By Mr. Halbert—

H. B. 525. A bill providing for the organization and government of towns until assigned to one or the other of the classes provided by law.

Which was referred to the Committee on Municipalities.

By Mr. John S. May—

H. B. 526. A bill to amend section 229 of an act, entitled "An act providing for the creation and regulation of private corporations."

Which was referred to the Committee on Corporate Institutions.

The House took from the orders of the day bills of the following titles, viz :

H. B. 504. A bill appropriating money for repairs and improvements at the Central Insane Asylum.

H. B. 513. A bill appropriating various sums of money for the several named improvements and repairs to be made at the Eastern Insane Asylum.

S. B. 165. An act in relation to descent and distribution, and entitled "Descent and Distribution."

Ordered, That said bills be recommitted—the two first-named to the Committee on Charitable Institutions, and the last to the Committee on General Statutes.

Also H. B. 510. A bill to amend an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity ; to create a sinking fund for that purpose ; to provide for commissioners of the sinking fund and collectors of taxes levied, and to prescribe the duties and powers of said officers.'"

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity ; to create a sinking fund for that purpose ; to provide for commissioners of the sinking fund, and collectors of the taxes levied, and to prescribe the duties and powers of said officers,'" ap-

proved April 28, 1892, be, and the same is hereby, amended as follows, to wit:

By striking from the first section of said act the words "except for the year 1892 said tax shall be levied at the May term." And by striking out the words "to create a surplus sufficient to provide for the retirement of the entire debt at any time before, and at least by the," where the same occurs, and inserting in lieu thereof the words, "it may also, in its discretion, levy any additional amount to aid in creating a sinking fund to retire said bonds at." And by adding to said section the following words, "in addition to the ad valorem tax hereinbefore authorized." Said section, when amended, will read as follows: "That for the purpose of creating a sinking fund to enable Logan county, in this State, to retire, at or before maturity, the outstanding bonds of said county, issued in aid of the construction of the Owensboro and Russellville Railroad, it shall be the duty of the county court of said county, composed of the county judge and justices of the peace, or a majority of said justices, to levy annually, at the April term of said court, on all the property of said county subject to taxation for State revenue purposes, an ad valorem tax sufficient to promptly meet the accruing semi-annual interest upon all outstanding bonds of said county; and it may also, in its discretion, levy any additional amount to aid in creating a sinking fund to retire said bonds at maturity thereof; and for the purpose aforesaid, said county court, a majority of the justices of the peace concurring, may, in their discretion, levy an annual capitation tax not to exceed one dollar, in addition to the ad valorem tax hereinbefore authorized."

§ 2. As the said county court has to elect a sinking fund commissioner at its next June term, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Posey D. Ball,	Ben. F. Gardner,	W. H. May,
John Bartman,	J. C. Glenn,	John S. May,
R. F. Bass,	S. M. Gough,	M. D. McInerney,
W. P. Beard,	Geo. T. Halbert,	W. F. Neat,
B. T. Birkhead,	Thos. H. Hanks,	Eli Nicholls,
P. S. Bruner,	U. G. Harlow,	J. A. Perkins,
Polk Cansler,	A. L. Harned,	J. F. Porter,
A. J. Carroll,	P. R. Hays,	E. M. Pryse,
B. E. Caudill,	B. B. Hensley,	A. T. Pullen,
A. H. Charlton,	W. J. Hissem,	C. D. Reed,
R. F. Comer,	F. W. Hutcheson,	D. H. Severs,

L. J. Cox,	Daniel James,	S. H. Shouse,
J. S. Cullen,	W. W. Johnson,	C. C. Spalding,
J. M. Dawson, Jr.,	R. M. Kincheloe,	W. W. Stephenson,
James R. Dean,	T. S. Kirk,	W. R. Stewart,
J. E. Durham,	Henry Kremer,	N. S. Walton,
McD. Ferguson,	Lewis Y. Leavell,	J. H. Welch,
John Finn,	H. P. Lively,	B. F. Willett,
George Will. Follis,	C. W. Mathers,	Geo. E. Willett—48.
Wm. Garrison,		

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz:

H. B. 476. An act appropriating money to trustees of jury fund to reimburse them for amounts paid in excess of amounts allowed on basis of twelve grand jurors;

H. B. 492. An act to repeal an act, entitled "An act to amend the charter of the Covington and DeCoursey Creek Turnpike Road Company," approved February 28, 1865;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign the same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

The House took from the orders of the day S. B. 232, entitled An act creating and establishing the office of trustee of the

jury fund, and prescribing the duties and powers pertaining thereto.

Said bill reads as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That there is hereby created and established, in each county of this Commonwealth, the office of Trustee of the Jury Fund. The circuit court in each county shall appoint a sober, discreet real estate owner, possessing the qualification of an elector therein, as trustee of the jury fund: *Provided*, That where the circuit court of any county has different divisions, such appointment shall be made by the judge of the criminal division thereof. He shall hold his office for the term of four years from his appointment, and until his successor is appointed and qualified. He shall, before entering upon the duties of his office, and every two years thereafter, and oftener if required by the judge of the circuit court, execute a covenant to the Commonwealth, with good surety, to faithfully discharge the duties of said office, and to account for and pay over, as required by law, all public money which may come to his hands. Said covenant shall be examined and approved by the judge, and shall be recorded in the order-book, the original filed, and a certified copy forthwith transmitted to the Auditor of Public Accounts by the clerk of the circuit court. The judge of the court shall have power to remove the trustee from office and appoint another for the unexpired term, whenever the public interest may, in his opinion, require it.

§ 2. It shall be the duty of the court, at the time officers receiving money for the State other than State and district taxes make report thereof to the court, by an order entered of record, require all such officers, other than county and circuit clerks, to pay over any money shown by their reports to be in their hands to the trustee of the jury fund; so much of any money, other than fines and forfeitures, paid to the trustee of the jury fund by said officers as provided in this section or otherwise, comes to his hands as such trustee, shall be used and applied, so far as necessary, to the payment of jurors for that term of court, or in cases of courts having continuous sessions, until the time fixed by law for him to report to the Auditor, and pay any money in his hands into the State Treasury.

§ 3. If the money, other than fines and forfeitures, in the hands of the trustee, when supplemented by such sums in the hands of the county and circuit clerks as the court may legally direct them to pay over to said trustee for the payment of jurors is insufficient for said purpose, the court shall order the collector of State revenue for the county to pay the trustee a sum sufficient out of the revenue collected by him, where receipt or an attested copy of the order shall entitle said revenue collector to a credit in his settlement with the Auditor. In the event that enough money can not be obtained by the trustee as

above provided with which to pay jurors at any time he is required to do so, he shall file his affidavit, stating the deficiency, and the court shall make an order certifying such deficiency to the Auditor for payment, and upon the receipt of a certified copy of such order, the Auditor shall forthwith draw his warrant in favor of the trustee on the Treasurer for such sum: *Provided*, That the court shall not, in any case, order the county clerk to pay to the trustee any part of the license fees collected by him, and which he, the county clerk, is required monthly to report to the Auditor, and pay to the treasury, if a sufficiency of money to pay the jurors can be obtained under the order of court from other county officers, including the money in the hands of the county clerk, other than the above license fees: *And provided further*, That if, at any time, the court orders the county clerk to pay the trustees any part of the above-mentioned license fees, it shall be done by a separate and distinct order, and the amount stated in said order, and that it is to be paid out of such license fees; and a copy of said order, with the trustee's receipt thereon, shall entitle the county clerk paying thereunder to a credit by such sum as he has paid in his monthly settlement with the Auditor.

§ 4. All fines and forfeitures paid under judgments of the circuit courts, without a *capias* or execution thereon, shall be paid directly to the trustee, and all fines, forfeitures and jury fees collected by execution, *capias* or other process by the sheriff or other collecting officer shall, as soon as collected, be paid over to said trustee.

§ 5. The trustee of the jury fund shall superintend and urge the collection of all fines and forfeitures, and it is hereby made the duty of the clerk of each court having jurisdiction to impose fines in favor of the Commonwealth, at the close of each term thereof, to make and report to the trustee a full list of all fines and forfeitures imposed in said court at such term.

§ 6. On the last day of each term of court, and in courts having continuous sessions every four months, the dates to be fixed by an order of record in the criminal division of such courts, should there be one, the trustee of the jury fund shall file a written report therein, sworn to by him, showing in detail the amount of each fine and forfeiture received by him since his last report thereof, when and from whom received, and on which, if any, of said fines imposed by courts inferior to the circuit court the county attorney is entitled to commissions, and at the same time he makes the above report he shall also make a written report to the court, sworn to by him, showing in detail what money other than fines and forfeitures have come to his hands since his last report thereof, stating the sum received from each officer, when paid and on what account; and what sums he has paid out, and to whom, and on what account. Each of said reports shall be carefully examined by the judge and Commonwealth's attorney, or in his absence by the county

attorney, and if found correct, they shall indorse their approval thereon, and said reports recorded in the order-book, and copies thereof transmitted by the clerk to the Auditor within five days. Within ten days after making his reports to the court, as above required, the trustee shall make similar reports covering the same period of time to, and settle his accounts with, the Auditor of Public Accounts, and pay into the Treasury any money in his hands at the date of his reports to the court.

§ 7. Any person paying any money to the trustee of the jury fund as such shall take from him duplicate receipt therefor, one of which shall be sent to the Auditor, and if any money is paid said trustee by the collector of revenue, or the circuit or county clerk, under an order of court, a copy of such order shall accompany the receipt sent to the Auditor.

§ 8. The trustee shall ascertain and keep in a book prepared for the purpose and belonging to his office a correct list of all judgments in behalf of the Commonwealth, showing the names of the defendants, amount of the judgment and when rendered, and he shall diligently pursue the collection of the same in the form of *capias*, execution or otherwise.

§ 9. The trustees shall receive as compensation three per centum on all money received by him: *Provided*, That in counties having a population of one hundred and fifty thousand or more, he shall, in lieu of all other compensation, receive an annual salary of \$2,400, payable monthly out of the State Treasury.

Mr. Ferguson offered an amendment to section 1 as follows :

Strike out the words "real estate owner" and insert in lieu thereof the word "person."

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Ferguson and Dawson, were as follows, viz :

Those who voted in the affirmative, were--

Mr. Speaker (Moore),	J. C. Glenn,	Eli Nicholls,
W. P. Beard,	S. M. Gough,	J. P. O'Meara,
B. T. Birkhead,	Thos. H. Hanks,	J. A. Perkins,
P. S. Bruner,	U. G. Harlow,	J. F. Porter,
Polk Cansler,	H. K. Hay,	E. M. Pryse,
A. J. Carroll,	P. R. Hays,	A. T. Pullen,
A. H. Charlton,	B. B. Hensley,	C. D. Reed,
R. F. Comer,	F. W. Hutcheson,	R. E. Roberts,
L. J. Cox,	W. W. Johnson,	D. H. Severs,
J. S. Cullen,	R. M. Kincheloe,	C. C. Spalding,
J. M. Dawson, Jr.,	T. S. Kirk,	W. W. Stephenson,
E. M. Dickson,	Henry Kremer,	W. R. Stewart,

J. E. Durham,	H. P. Lively,	J. R. Summers,
McD. Ferguson,	John S. May,	N. S. Walton,
John Finn,	M. D. McInerney,	B. F. Willett,
George Will. Follis,	W. F. Neat,	Geo. E. Willett—49.
Wm. Garrison,		

Those who voted in the negative, were—

B. E. Caudill,	A. L. Harned,	W. H. May,
James R. Déan,	Daniel James,	I. M. Quigley,
Ben. F. Gardner,	Lewis Y. Leavell,	S. H. Shouse—11.
Geo. T. Halbert,	C. W. Mathers,	

Mr. Bashaw offered an amendment to section 9 as follows, viz :

Strike out all after the word "provided," and insert in lieu thereof the words "that the compensation of said officer shall in no event exceed eighteen hundred dollars per annum."

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Bashaw and Gardner, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	Wm. Garrison,	John S. May,
John T. Bashaw,	J. C. Glenn,	W. F. Neat,
R. F. Bass,	S. M. Gough,	Eli Nicholls,
W. P. Beard,	Thos. H. Hanks,	J. A. Perkins,
B. T. Birkhead,	U. G. Harlow,	J. F. Porter,
P. S. Bruner,	A. L. Harned,	E. M. Pryse,
B. E. Caudill,	H. K. Hay,	A. T. Pullen,
R. F. Comer,	P. R. Hays,	C. D. Reed,
L. J. Cox,	F. W. Hutcheson,	S. H. Shouse,
J. S. Cullen,	Daniel James,	C. C. Spalding,
J. M. Dawson, Jr.,	W. W. Johnson,	W. R. Stewart,
James R. Dean,	Lewis Y. Leavell,	J. R. Summers,
J. E. Durham,	H. P. Lively,	N. S. Walton—41.
John Finn,	C. W. Mathers,	

Those who voted in the negative, were—

A. H. Charlton,	B. B. Hensley,	J. P. O'Meara,
E. M. Dickson,	W. J. Hissem,	I. M. Quigley,
McD. Ferguson,	R. M. Kincheloe,	R. E. Roberts,
J. M. Frazee,	T. S. Kirk,	W. W. Stephenson,
Ben. F. Gardner,	W. H. May,	B. F. Willett—17.
Geo. T. Halbert,	M. D. McInerney,	

Ordered, That said bill, as amended, be read the third time.

Said bill, as amended, was read the third time and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	H. P. Lively,
Posey D. Ball,	Wm. Garrison,	C. W. Mathers.
John T. Bashaw,	J. C. Glenn,	John S. May,
W. P. Beard,	S. M. Gough,	W. F. Neat,
B. T. Birkhead,	Geo. T. Halbert,	Eli Nicholls,
P. S. Bruner,	Thos. H. Hanks,	J. P. O'Meara,
Polk Cansler,	U. G. Harlow,	J. A. Perkins,
B. E. Caudill,	A. L. Harned,	E. M. Pryse,
R. F. Comer,	H. K. Hay,	A. T. Pullen,
L. J. Cox,	P. R. Hays,	I. M. Quigley,
J. S. Cullen,	B. B. Hensley,	C. D. Reed,
J. M. Dawson, Jr.,	W. J. Hissem,	S. H. Shouse,
James R. Dean,	F. W. Hutcheson,	C. C. Spalding,
E. M. Dickson,	Daniel James,	W. W. Stephenson,
J. E. Durham,	W. W. Johnson,	W. R. Stewart,
McD. Ferguson,	R. M. Kincheloe,	J. R. Summers,
John Finn,	T. S. Kirk,	N. S. Walton,
George Will Follis,	Lewis Y. Leavell,	Geo. E. Willett—54.

Those who voted in the negative, were—

A. H. Charlton, Ben. F. Gardner, W. H. May—3.

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed an enrolled bill, which originated in the Senate, entitled

S. B. 229. An act appropriating four thousand dollars to rebuild the hospital at the Eddyville Penitentiary, and to raise the ell another story,

The House took from the orders of the day H. B. 480, entitled An act to protect the fish in the waters of this State.

Sundry amendments were offered to said bill by Messrs. Hanks, Harned, Kincheloe, Walton, Hay and Kirk, and were severally rejected.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That it shall be unlawful for any person or

persons to have located, in any of the running waters of this State, any wing-net, set-net, gill or trammel-net, or any other contrivance for the purpose of catching fish that will materially hinder the passage of fish in such waters. Such person or persons, so obstructing the waters for any of the above-named purposes, by any of the above-named methods, shall be guilty of a misdemeanor, and, on conviction thereof, before any court of competent jurisdiction, shall be fined not less than ten dollars nor more than twenty-five dollars for each offense.

§ 2. That any person or persons who shall place or cause to be placed, in any of the waters of this State, any drug, poisonous substance or medicated bait, with intent thereby to injure, poison or catch fish, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty dollars nor more than fifty dollars for each offense.

§ 3. That any person or persons who shall place or cause to be placed, in any of the waters of this State, any dynamite or explosive agent, with intent thereby to injure or catch fish, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and, on failure to pay a fine as fixed by either sections one, two or three of this act, shall be confined in the county jail, work-house, or placed at labor upon any of the public works of said county, for a length of time not exceeding one day for every two dollars of said fine.

§ 4. That the circuit courts of the respective counties of this State, and any justice of the peace of the county wherein any of the offenses herein enumerated are committed, shall have jurisdiction to try such offenses, and assess fines for same.

§ 5. That it shall be the duty of the judge, in all circuit courts of the respective counties of this State, to give special charge of this act to each grand jury of said court.

§ 6. That act or parts of acts heretofore passed in conflict with this act are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	Henry Kremer,
Posey D. Ball,	George Will. Follis,	Lewis Y. Leavell,
John Bartman,	J. M. Frazee,	W. H. May,
R. F. Bass,	Ben. F. Gardner,	John S. May,
B. T. Birkhead,	J. C. Glenn,	E. M. Pryse,
P. S. Bruner,	Geo. T. Halbert,	A. T. Pullen,
Polk Cansler,	U. G. Harlow,	R. E. Roberts,
B. E. Caudill,	H. K. Hay,	D. H. Severs,
A. H. Charlton,	P. R. Hays,	S. H. Shouse,
L. J. Cox,	B. B. Hensley,	C. C. Spalding,
J. S. Cullen,	W. J. Hissem,	W. W. Stephenson,

J. M. Dawson, Jr.,	Daniel James,	N. S. Walton,
E. M. Dickson,	W. W. Johnson,	J. H. Welch,
J. E. Durham,	R. M. Kincheloe,	B. F. Willett—42.

Those who voted in the negative, were—

W. P. Beard,	A. L. Harned,	W. F. Neat,
James R. Dean,	F. W. Hutcheson,	J. F. Porter,
John Finn,	H. P. Lively,	C. D. Reed,
S. M. Gough,	C. W. Mathers,	W. R. Stewart—13.
Thos. H. Hanks,		

Resolved, That the title thereof be as aforesaid.

The House took from the orders of the day H. B. 473, entitled
A bill to provide for bringing suits against the Commonwealth of Kentucky, and prescribing in what court same shall be brought.

[*See Bill in House Journal April 8, 1893.*]

Said bill was placed upon its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Posey D. Ball,	Ben. F. Gardner,	E. M. Pryse,
John T. Bashaw,	Geo. T. Halbert,	A. T. Pullen,
A. J. Carroll,	F. W. Hutcheson,	W. W. Stephenson,
A. H. Charlton,	T. S. Kirk,	R. E. Roberts—13.
E. M. Dickson,		

Those who voted in the negative, were—

Mr. (Speaker) Moore,	George Will Follis,	Lewis Y. Leavell,
John Bartman,	J. M. Frazee,	H. P. Lively,
R. F. Bass,	Wm. Garrison,	C. W. Mathers,
W. P. Beard,	J. C. Glenn,	W. H. May,
B. T. Birkhead,	S. M. Gough,	Eli Nicholls,
P. S. Bruner,	Thos. H. Hanks,	J. A. Perkins,
Polk Cansler,	U. G. Harlow,	J. F. Porter,
B. E. Caudill,	A. L. Harned,	C. D. Reed,
R. F. Comer,	H. K. Hay,	D. H. Severs,
L. J. Cox,	P. R. Hays,	S. H. Shouse,
J. S. Cullen,	B. B. Hensley,	C. C. Spalding,
J. M. Dawson, Jr.,	W. J. Hissem,	W. R. Stewart,
James R. Dean,	Daniel James,	J. R. Summers,
J. E. Durham,	W. W. Johnson,	N. S. Walton,
McD. Ferguson,	R. M. Kincheloe,	B. F. Willett—46.
John Finn,		

And so said bill was rejected.

And at 1 o'clock, P. M., the House adjourned.

WEDNESDAY, APRIL 26, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	John Finn,	H. P. Lively,
Lewis Alexander, Sr.,	George Will. Follis,	C. W. Mathers,
W. S. Bailey,	J. M. Frazee,	W. H. May,
John T. Bashaw,	Wm. Garrison,	John S. May,
R. F. Bass,	J. C. Glenn,	W. F. Neat,
W. P. Beard,	S. M. Gough,	Eli Nicholls,
B. T. Birkhead,	Geo. T. Halbert,	W. F. Peak,
John Botts,	Thos. H. Hanks,	J. A. Perkins,
P. S. Bruner,	U. G. Harlow,	E. M. Pryse,
Polk Cansler,	A. L. Harned,	A. T. Pullen,
B. E. Caudill,	H. K. Hay,	C. D. Reed,
A. H. Charlton,	P. R. Hays,	D. H. Severs,
R. F. Comer,	W. J. Hissem,	S. H. Shouse,
L. J. Cox,	F. W. Hutcheson,	C. C. Spalding,
J. S. Cullen,	W. W. Johnson,	W. W. Stephenson,
J. M. Dawson, Jr.,	J. S. Joplin,	W. R. Stewart,
James R. Dean,	R. M. Kincheloe,	J. R. Summers,
E. M. Dickson,	T. S. Kirk,	N. S. Walton,
J. E. Durham,	Lewis Y. Leavell,	B. F. Willett—58.
McD. Ferguson,		

The following members were absent, viz :

T. J. Arnett,	Berry Howard,	R. E. Roberts,
W. W. Ayres,	Daniel James,	John Ryan,
Posey D. Ball,	Henry Kremer,	Waller Sharp,
John Bartman,	William Krieger,	Fenton Sims,
B. F. Bennett,	John M. Letterle,	Samuel O. Tate,
A. J. Carroll,	Hiram McElroy,	Lewis E. Thomas,
F. P. Combest,	M. D. McInerney,	J. R. Thomas,
Will J. Cox,	Harvey Myers,	John M. Tinsley,
Wesley Crow,	J. P. O'Meara,	D. W. Tribble,
D. B. Edmiston,	John Lee Payne,	J. H. Welch,
Ben. F. Gardner,	Thos. S. Pettit,	H. P. Whitaker,
J. P. Gay,	Granville Philpot,	Geo. E. Willet,
R. K. Hart,	J. F. Porter,	R. B. Wilson,
B. B. Hensley,	I. M. Quigley,	John D. Woods—42.

The Journal of yesterday's proceedings was approved

Mr. Shouse, from the Committee on Agriculture and Manufactures, reported H. B. 506, entitled

Bill prohibiting bears being conveyed along the highways except when caged.

Said bill was read the first time at length, ordered to be printed, and read the second time on some other day.

The House took from the orders of the day H. Resolution 98, entitled

Resolution directing the Public Printer to deliver to the Secretary of State bound volumes of the Journals of the two Houses of this General Assembly.

Said resolution was read the second time.

The House took from the orders of the day resolutions and bills as follows, viz :

H. Resolution 95. Resolution authorizing encampment of State Guard at Chicago in 1893.

The motion heretofore entered by Mr. J. R. Thomas to reconsider the vote by which said resolution was rejected was taken up and agreed to.

Mr. Stephenson moved to reconsider the vote by which said resolution was ordered to be read the third time.

Said motion was agreed to.

Ordered, That said resolution be recommitted to the Committee on Judiciary.

Also H. B. 258. A bill to establish a State Board of Pharmacy, defining its duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky,

With the substitute therefor adopted by the Senate.

Mr. Mathers moved that said substitute be printed, and that said bill and substitute be referred to the Committee on Public Health.

Said motion was agreed to.

Also H. Resolution 99. Resolution providing for the appointment of a joint committee to systematize the laws of this Commonwealth.

On motion of Mr. Frazee,

Ordered, That said resolution be recommitted to the Committee on General Statutes.

Also S. B. 219. An act concerning the General Assembly.

On motion of Mr. Halbert,

Ordered, That said bill be recommitted to the Committee on General Statutes.

Also H. B. 511. A bill to divide the State into one hundred Representative Districts.

On motion of Mr. Caudill, who introduced the same, unanimous consent was given him to withdraw said bill.

Said bill was delivered by the Clerk of the House to Mr. Caudill.

H. B. 371. A bill to fix the salaries of the judges of the circuit courts, and the pay of special judges of said courts in this Commonwealth.

The motion of Mr. Severs, heretofore entered, to reconsider the vote by which the House failed to pass said bill, was taken up and agreed to.

On motion of Mr. Gardner,

Ordered, That the vote by which said bill was ordered to be read the third time be reconsidered, and said bill was recommitted to the Committee on Circuit Courts.

Also H. B. 458. A bill creating the office of circuit court stenographer, and providing for salary thereof.

On motion of Mr. Birkhead,

Ordered, That said bill be made the special order for Friday, 28th inst.

Also S. B. 214. An act concerning office and officer,

Together with the report of the Committees of Conference thereon heretofore adopted by the Senate.

Said report is as follows, viz:

To the Senate and House of Representatives:

Your Committee of Conference, on behalf of the Senate and House, to consider the points of difference between the two bodies as to Senate bill No. 214, unanimously recommend that the Senate concur in the House amendments to said bill.

Senate Committee.

HENRY GEORGE,

J. S. WORTHAM,

C. A. BOARD.

House Committee.

D. H. SEVERS,

B. T. BIRKHEAD,

JOHN BOTTS.

Said report was adopted.

And said bill, as amended, was passed.

[See bill and amendments in House Journal, April 11th, 1892.]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative. were—

Lewis Alexander, Sr.,	John Finn,	H. P. Lively,
Mr. (Speaker Moore),	George Will. Follis,	C. W. Mathers,
W. S. Bailey,	J. M. Frazee,	W. H. May,
Posey D. Ball,	Wm. Garrison,	W. F. Neat,
John Bartman,	Ben. F. Gardner,	Eli Nicholls,
R. F. Bass,	J. P. Gay,	W. F. Peak,
W. P. Beard,	J. C. Glenn,	J. A. Perkins,
B. T. Birkhead,	S. M. Gough,	J. F. Porter,
John Botts,	Geo. T. Halbert,	E. M. Pryse,
P. S. Bruner,	Thos. H. Hanks,	A. T. Pullen,
Polk Cansler,	U. G. Harlow,	C. D. Reed,
A. J. Carroll,	A. L. Harned,	D. H. Severs,
B. E. Caudill,	H. K. Hay,	S. H. Shouse,
A. H. Charlton,	P. R. Hays,	C. C. Spalding,
J. S. Cullen,	W. J. Hissem,	W. W. Stephenson,
J. M. Dawson, Jr.,	F. W. Hutcheson,	W. R. Stewart,
James R. Dean,	W. W. Johnson,	J. R. Summers,
E. M. Dickson,	J. S. Joplin,	N. S. Walton,
J. E. Durham,	R. M. Kincheloe,	B. F. Willett,
McD. Ferguson,	T. S. Kirk,	Geo. E. Willett—60.

In the negative—none.

Also, H. B. 515. A bill prescribing the duties of all peace officers of this Commonwealth in making or causing to be made arrests in certain cases, and fixing a penalty for a failure of their duties therein.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That it shall be the duty of all officers who are by law conservators of the peace in this Commonwealth, having knowledge or information of the commission of the offense of setting up or carrying on a keno bank, faro bank, or game of cards, or other machine or contrivance, whereby money or other thing of value may be won or lost, or any person aiding or abetting therein, to immediately arrest, or cause to be arrested, such persons, and take them before the proper tribunal, to be dealt with according to law.

§ 2. Any peace officer who shall fail or neglect to discharge the duties imposed upon him by the first section of this act shall be deemed guilty of a misdemeanor, and upon trial and conviction, before the proper tribunal, shall be fined in any sum not less than one thousand dollars, and confined in the county jail not less than six nor more than twelve months, in the discretion of the trial jury, and shall forfeit any office they may hold.

§ 3. Any officer named in the first section of this act who shall, for fee or reward, fail or refuse to discharge any duty imposed on him by law, shall be deemed guilty of a felony, and, upon trial and conviction, shall be confined in the penitentiary for any period not less than one nor more than five years, in the discretion of the jury.

§ 4. It shall be the duty of the judges of the circuit court to give this act in charge to the grand jury at each term where a grand jury is empaneled.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	C. W. Mathers,
Lewis Alexander, Sr.,	Wm. Garrison,	W. H. May,
W. S. Bailey,	Ben. F. Gardner,	John S. May,
Posey D. Ball,	J. P. Gay,	M. D. McInerney,
John T. Bashaw,	J. C. Glenn,	W. F. Neat,
R. F. Bass,	S. M. Gough,	Eli Nicholls,
W. P. Beard,	Geo. T. Halbert,	W. F. Peak,
B. T. Birkhead,	Thos. H. Hanks,	J. A. Perkins,
John Botts,	U. G. Harlow,	J. F. Porter,
P. S. Bruner,	A. L. Harned,	E. M. Pryse,
A. J. Carroll,	H. K. Hay,	A. T. Pullen,
B. E. Caudill,	P. R. Hays,	I. M. Quigley,
A. H. Charlton,	W. J. Hissem,	C. D. Reed,
R. F. Comer,	F. W. Hutcheson,	R. E. Roberts,
L. J. Cox,	Daniel James,	S. H. Shouse,
J. S. Cullen,	W. W. Johnson,	C. C. Spalding,
J. M. Dawson, Jr.,	J. S. Joplin,	W. W. Stephenson,
James R. Dean,	R. M. Kincheloe,	W. R. Stewart,
E. M. Dickson,	T. S. Kirk,	J. R. Summers,
J. E. Durham,	Lewis Y. Leavell,	N. S. Walton,
McD. Ferguson,	John M. Letterle,	B. F. Willett,
John Finn,	H. P. Lively,	Geo. E. Willett—67.
George Will. Follis,		

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Also H. B. 499. A bill relating to public landings or wharves in this Commonwealth.

Ordered, That said bill be read a third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. In all cases where a public landing has been improved and maintained as such by any person or persons or corporations upon any of the navigable rivers or water-courses of this Commonwealth for fifteen years or more, it shall be unlawful for any person or persons or corporation to erect, make or maintain any such public landing within a quarter of a mile of such landing or wharf, except such public landing or wharf shall be situated in a city or town of this Commonwealth of the first, second, third, fourth or fifth class, in which case it may be done by a majority vote of the legislative boards of such cities and towns of the class just mentioned ; and any one violating the provisions of this act shall be deemed guilty of a misdemeanor, and fined not less than twenty-five dollars nor more than one hundred dollars for each and every violation thereof: *Provided, however*, That this act shall not be construed to prevent any person or persons or corporation from making and maintaining for private use a landing or wharf.

§ 2. Wherever such landing or wharf has existed for fifteen years or more, and maintained as such for said length of time, and which shall hereafter be held and operated as such landing or wharf, situated outside of the cities and towns of the first, second, third, fourth and fifth classes, shall be under the control and supervision of the county courts of the counties in which they are situated as to fees and rates of charges ; and where said public landings or wharves shall be situated in any of the cities or towns of this Commonwealth of the first, second, third, fourth or fifth class, the same shall be under the control and supervision of the legislative boards of such cities and towns as to fees and rates of charge.

§ 3. There being no statutory law regulating wharves in this Commonwealth, an emergency is hereby declared, and this act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	Henry Kremer,
Lewis Alexander, Sr.,	George Will. Follis,	John M. Letterle,
W. S. Bailey,	J. M. Frazee,	C. W. Mathers,
Posey D. Ball,	J. P. Gay,	W. F. Peak,
R. F. Bass,	Geo. T. Halbert,	J. F. Porter,

A. J. Carroll,	Thos. H. Hanks,	E. M. Pryse,
B. E. Caudill,	U. G. Harlow,	I. M. Quigley,
A. H. Charlton,	A. L. Harned,	C. D. Reed,
L. J. Cox,	H. K. Hay,	S. H. Shouse,
J. S. Cullen,	W. J. Hissem,	C. C. Spalding,
James R. Dean,	Daniel James,	D. W. Tribble,
E. M. Dickson,	W. W. Johnson,	N. S. Walton—37.
J. E. Durham,		

Those who voted in the negative, were—

W. P. Beard,	McD. Ferguson,	D. H. Severs,
B. T. Birkhead,	H. P. Lively,	W. R. Stewart,
P. S. Bruner,	W. H. May,	J. R. Summers,
R. F. Comer,	M. D. McInerney,	Geo. E. Willett—14.
J. M. Dawson, Jr.,	A. T. Pullen,	

And so said bill was rejected.

Mr. W. H. May entered a motion to reconsider the vote by which the House failed to pass said bill.

Also S. B. 16. An act to amend section 51, Civil Code.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. In actions against an individual residing in another State, or a partnership association or joint stock company, the members of which reside in another State, engaged in business in this State, the summons may be served on the manager or agent of, or person in charge of, such business in this State, in the county where the business is carried on, or in the county where the cause of action occurred.

§ 2. Whereas, as a great demand exists for this amendment to facilitate speedy trials and relief, it is deemed proper that this act shall be in force from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	C. W. Mathers,
W. S. Bailey,	Wm. Garrison,	W. H. May,
John Bartman,	Ben. F. Gardner,	M. D. McInerney,
R. F. Bass,	J. P. Gay,	Eli Nicholls,
W. P. Beard,	J. C. Glenn,	W. F. Peak,
John Botts,	S. M. Gough,	J. A. Perkins,
Polk Cansler,	Geo. T. Halbert,	J. F. Porter,

B. E. Caudill,	U. G. Harlow,	E. M. Pryse,
A. H. Charlton,	A. L. Harned,	A. T. Pullen,
R. F. Comer,	P. R. Hays,	C. D. Reed,
L. J. Cox,	W. J. Hissem,	R. E. Roberts,
J. S. Cullen,	Daniel James,	D. H. Severs,
J. M. Dawson, Jr.,	W. W. Johnson,	S. H. Shouse,
James R. Dean,	R. M. Kincheloe,	W. R. Stewart,
E. M. Dickson,	T. S. Kirk,	N. S. Walton,
J. E. Durham,	Henry Kremer,	B. F. Willett,
John Finn,	John M. Letterle,	Geo. E. Willett—53.
George Will. Follis,	H. P. Lively,	

Those who voted in the negative, were—

Mr. Speaker (Moore), Thos. H. Hanks, H. K. Hay—3.

Resolved, That the title thereof be as aforesaid.

And then, at 1 o'clock, P. M., the House adjourned.

THURSDAY, APRIL 27, 1893.

The House was opened with prayer by Elder Geo. Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	John Finn,	John M. Letterle,
Lewis Alexander, Sr.,	George Will. Follis,	H. P. Lively,
W. S. Bailey,	J. M. Frazee,	C. W. Mathers,
John T. Bashaw,	Wm. Garrison,	W. H. May,
R. F. Bass,	J. C. Glenn,	John S. May,
W. P. Beard,	S. M. Gough,	W. F. Neat,
B. F. Bennett,	Geo. T. Halbert,	Eli Nicholls,
B. T. Birkhead,	Thos. H. Hanks,	W. F. Peak,
John Botts,	U. G. Harlow,	J. A. Perkins,
P. S. Bruner,	A. L. Harned,	J. F. Porter,
Polk Causler,	H. K. Hay,	E. M. Pryse,
B. E. Caudill,	P. R. Hays,	A. T. Pullen,
A. H. Charlton,	B. B. Hensley,	C. D. Reed,
R. F. Comer,	W. J. Hissem,	D. H. Severs,
L. J. Cox,	F. W. Hutcheson,	S. H. Shouse,

J. S. Cullen,	Daniel James,	C. C. Spalding,
J. M. Dawson, Jr.,	W. W. Johnson,	W. W. Stephenson,
James R. Dean,	J. S. Joplin,	W. R. Stewart,
E. M. Dickson,	R. M. Kincheloe,	J. R. Summers,
J. E. Durham,	Henry Kremer,	N. S. Walton,
D. B. Edmiston,	Lewis Y. Leavell,	Geo. E. Willett—64.
McD. Ferguson,		

The following members were absent, viz :

T. J. Arnett,	T. S. Kirk,	Waller Sharp,
W. W. Ayres,	William Krieger,	Fenton Sims,
Posey D. Ball,	Hiram McElroy,	Samuel O. Tate,
John Bartman,	M. D. McInerney,	Lewis E. Thomas,
A. J. Carroll,	Harvey Myers,	J. R. Thomas,
F. P. Combest,	J. P. O'Meara,	John M. Tinsley,
W. J. Cox,	John Lee Payne,	D. W. Tribble,
Wesley Crow,	Thos. S. Pettit,	J. H. Welch,
Ben. F. Gardner,	Granville Philpot,	H. P. Whitaker,
J. P. Gay,	I. M. Quigley,	B. F. Willett,
R. K. Hart,	R. E. Roberts,	R. B. Wilson,
Berry Howard,	John Ryan,	John D. Woods—36.

The Journal of yesterday's proceedings was approved.

The House took from the orders of the day S. B. 208, entitled
An act relating to executors.

Said bill was read the second time, and recommitted to the
Committee on General Statutes.

The House took from the orders of the day the motion entered on yesterday by Mr. W. H. May, to reconsider the vote by which the House refused to pass

H. B. 499. An act relating to public landings or wharves in this Commonwealth.

[*For Bill, see yesterday's Journal.*]

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Bailey and Bashaw, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	W. H. May,
W. S. Bailey,	Ben. F. Gardner,	John S. May,
Posey D. Ball,	J. P. Gay,	M. D. McInerney,

John Bartman,	S. M. Gough,	Harvey Myers,
John T. Bashaw,	Geo. T. Halbert,	J. P. O'Meara,
R. F. Bass,	Thos. H. Hanks,	W. F. Peak,
John Botts,	A. L. Harned,	E. M. Pryse,
A. J. Carroll,	B. B. Hensley,	C. D. Reed,
B. E. Caudill,	Daniel James,	John Ryan,
A. H. Charlton,	W. W. Johnson,	S. H. Shouse,
L. J. Cox,	J. S. Joplin,	Fenton Sims,
James R. Dean,	Henry Kremer,	C. C. Spalding,
E. M. Dickson,	Lewis Y. Leavell,	W. W. Stephenson,
D. B. Edmiston,	John M. Letterle,	N. S. Walton,
John Finn,	C. W. Mathers,	B. F. Willett—46.
Geo. Will. Follis,		

Those who voted in the negative, were—

W. P. Beard,	McD. Ferguson,	J. A. Perkins,
B. T. Birkhead,	Wm. Garrison,	Thos. S. Pettit,
P. S. Bruner,	J. C. Glenn,	J. F. Porter,
Polk Cansler,	U. G. Harlow,	A. T. Pullen,
R. F. Comer,	F. W. Hutcheson,	D. H. Severs,
J. S. Cullen,	H. P. Lively,	W. R. Stewart,
J. M. Dawson, Jr.,	W. F. Neat,	J. R. Summers—22.
J. E. Durham,		

The vote by which said bill was ordered to its third reading was reconsidered.

Mr. Gardner offered an amendment as follows :

Strike out all after the word "towns," in line 11, of section two (2).

Said amendment was agreed to.

Mr. Halbert offered an amendment as follows, viz :

Amend section two by adding after the word "fifth," in lines five and eleven, the word "sixth."

Ordered, That said bill be engrossed and read the third time.

Said bill being engrossed, was read the third time.

The yeas and nays being taken on the passage of said bill, were as follows, viz :

Those who voted in the affirmative, were--

Mr. Speaker (Moore),	D. B. Edmiston,	John M. Letterle,
Lewis Alexander, Sr.,	John Finn,	C. W. Mathers,
W. S. Bailey,	George Will. Follis,	W. H. May,
Posey D. Ball,	J. M. Frazee,	M. D. McInerney,
John Bartman,	Ben. F. Gardner,	J. P. O'Meara,

John T. Bashaw,	J. P. Gay,	W. F. Peak,
R. F. Bass,	S. M. Gough,	E. M. Pryse,
John Botts,	Geo. T. Halbert,	C. D. Reed,
Polk Cansler,	A. L. Harned,	John Ryan,
A. J. Carroll,	B. B. Hensley,	S. H. Shouse,
B. E. Caudill,	W. J. Hissem,	C. C. Spalding,
A. H. Charlton,	Daniel James,	W. W. Stephenson,
L. J. Cox,	W. W. Johnson,	D. W. Tribble,
James R. Dean,	Henry Kremer,	N. S. Walton—44.
E. M. Dickson,	Lewis Y. Leavell,	

Those who voted in the negative, were—

W. P. Beard,	Wm. Garrison,	J. A. Perkins,
B. F. Bennett,	J. C. Glenn,	Thos. S. Pettit,
B. T. Birkhead,	U. G. Harlow,	J. F. Porter,
P. S. Bruner,	F. W. Hutcheson,	A. T. Pullen,
R. F. Comer,	J. S. Joplin,	D. H. Severs,
J. S. Cullen,	R. M. Kincheloe,	W. R. Stewart,
J. M. Dawson, Jr.,	H. P. Lively,	J. R. Summers,
J. E. Durham,	John S. May,	B. F. Willett—26.
McD. Ferguson,	W. F. Neat,	

And so said bill was rejected.

The House took from the orders of the day H. B. 485, entitled

A bill to provide additional clerical force in the Attorney-General's office.

Said bill reads as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the Attorney-General be, and is hereby, allowed the sum of \$1,200 annually, to be paid monthly, for the employment of additional clerical force in his office. This act shall continue in force during the term of the present Attorney-General, and not longer, unless extended by legislative authority.

§ 2. The public business of the State requiring this additional clerical force demanding immediate attention, an emergency is hereby declared to exist, and this act shall take effect and be in force from the date of its approval.

Mr. Pettit moved to amend section 1 as follows :

Strike out all after the word "longer," in line six.

Said amendment was disagreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	M. D. McInerney,
W. S. Bailey,	Wm. Garrison,	Thos. S. Pettit,
Posey D. Ball,	Ben. F. Gardner,	R. E. Roberts,
John Bartman,	J. P. Gay,	John Ryan,
A. J. Carroll,	S. M. Gough,	D. H. Severs,
A. H. Charlton,	A. L. Harned,	C. C. Spalding,
L. J. Cox,	W. J. Hissem,	W. W. Stephenson,
E. M. Dickson,	Henry Kremer,	J. R. Summers,
John Finn,	John M. Letterle,	J. H. Welch,
George Will. Follis,	W. H. May,	B. F. Willett—30.

Those who voted in the negative, were—

John T. Bashaw,	J. C. Glenn,	John S. May,
W. P. Beard,	Geo. T. Halbert,	W. F. Neat,
B. F. Bennett,	Thos. H. Hanks,	Eli Nicholls,
B. T. Birkhead,	U. G. Harlow,	W. F. Peak,
John Botts,	H. K. Hay,	J. A. Perkins,
P. S. Bruner,	P. R. Hays,	J. F. Porter,
Polk Cansler,	B. B. Hensley,	E. M. Pryse,
B. E. Caudill,	F. W. Hutcheson,	A. T. Pullen,
R. F. Comer,	Daniel James,	C. D. Reed,
J. S. Cullen,	W. W. Johnson,	S. H. Shouse,
J. M. Dawson, Jr.,	J. S. Joplin,	Fenton Sims,
James R. Dean,	R. M. Kincheloe,	W. R. Stewart,
J. E. Durham,	H. P. Lively,	N. S. Walton,
D. B. Edmiston,	C. W. Mathers,	Geo. E. Willett—43.
McD. Ferguson,		

And so said bill was rejected.

The House took from the orders of the day H. Resolution 98, entitled

Resolution directing the Public Printer to deliver to the Secretary of State bound volumes of the Journals of the two Houses of this General Assembly.

Said resolution reads as follows :

Resolved by the General Assembly of the Commonwealth of Kentucky: 1. That the Public Printer be, and he is hereby, directed to deliver to the Secretary of State the Journals of the Senate and House, Session 1891-92, as the same may be bound in volumes and ready for use, and the said Secretary is hereby authorized to receive said Journals from the Public Printer when so ready for delivery.

2. The Secretary of State is hereby authorized and directed to deliver to each member of this General Assembly, upon application, and to each State and county official entitled by law, a bound copy each of the Senate and House Journals of the present session.

3. The necessity for constant reference to the Journals aforesaid for information as to the decisions of the General Assembly creates an emergency, which is hereby declared, and this act shall be in force from and after its approval by the Governor.

Mr. Walton moved an amendment as follows :

Amend section two, line three, by inserting after "to" the words "forthwith send to."

Said amendment was agreed to.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and adopted.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	John Finn,	W. H. May,
W. S. Bailey,	George Will. Follis,	John S. May,
Posey D. Ball,	Wm. Garrison,	W. F. Neat,
John Bartman,	Ben. F. Gardner,	Eli Nicholls,
John T. Bashaw,	J. C. Glenn,	W. F. Peak,
R. F. Bass,	S. M. Gough,	J. A. Perkins,
W. P. Beard,	Geo. T. Halbert,	Thos. S. Pettit,
B. F. Bennett,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	D. H. Severs,
B. E. Caudill,	P. R. Hays,	S. H. Shouse,
A. H. Charlton,	W. J. Hissem,	Fenton Sims,
R. F. Comer,	F. W. Hutcheson,	C. C. Spalding,
J. S. Cullen,	Daniel James,	W. W. Stephenson,
J. M. Dawson, Jr.,	W. W. Johnson,	W. R. Stewart,
James R. Dean,	J. S. Joplin,	J. R. Summers,
E. M. Dickson,	R. M. Kincheloe,	N. S. Walton,
D. B. Edmiston,	Lewis Y. Leavell,	B. F. Willett,
McD. Ferguson,	John M. Letterle,	Geo. E. Willett—60.

In the negative—C. W. Mathers—1.

The House took from the orders of the day H. B. 483, entitled

A bill to establish a department of banking in this Commonwealth, and providing for the appointment of a commissioner

therefor and certain assistants, and prescribing their duties and manner of their compensation.

[*See Bill in House Journal April 4, 1893.*]

Mr. Pettit moved that said bill and amendments do lie on the table.

Said motion was agreed to.

A message was received from the Senate, announcing that they had disagreed to a bill, entitled

H. B. 419. An act to prohibit the sale of cigarettes and cigarette material.

That they had passed a bill, which originated in the House, entitled

H. B. 486. An act to regulate the liability of insurance companies that take life or accident risks on live stock in this Commonwealth.

That they had passed a bill, entitled

S. B. 238. An act to amend an act, entitled "An act to increase the efficiency of Inspector of Mines, and more fully provide for the protection of the lives and health of persons employed in the coal mines of this State," approved on the 13th day of January, 1893.

Ordered, That said bill be referred to the Committee on Mines and Mining.

The House took from the orders of the day H. B. 388, entitled A bill concerning roads and passways.

The House resolved itself into a Committee of the Whole House to consider said bill.

Mr. Hanks in the chair.

After a time the Speaker resumed the chair, and Mr. Hanks, from said committee, reported that they had made some progress, but had not completed same.

At 1 o'clock, P. M., the House adjourned.

FRIDAY, APRIL 28, 1893.

The House was opened with prayer by Rev. W. C. Taylor, of the Baptist Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their, names viz :

Mr. (Speaker Moore),	John Finn,	H. P. Lively,
Lewis Alexander, Sr.,	George Will. Follis,	C. W. Mathers,
W. S. Bailey,	J. M. Frazee,	W. H. May,
John T. Bashaw,	Wm. Garrison,	W. F. Neat,
R. F. Bass,	J. C. Glenn,	Eli Nicholls,
W. P. Beard,	S. M. Gough,	W. F. Peak,
B. F. Bennett,	Geo. T. Halbert,	Thos. S. Pettit,
B. T. Birkhead,	Thos. H. Hanks,	E. M. Pryse,
John Botts,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	H. K. Hay,	C. D. Reed,
Polk Cansler,	P. R. Hays,	John Ryan,
B. E. Caudill,	B. B. Hensley,	D. H. Severs,
A. H. Charlton,	W. J. Hissem,	S. H. Shouse,
R. F. Comer,	F. W. Hutcheson,	C. C. Spalding,
L. J. Cox,	Daniel James,	W. W. Stephenson,
J. S. Cullen,	W. W. Johnson,	W. R. Stewart,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
James R. Dean,	Henry Kremer,	J. R. Thomas,
J. E. Durham,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	John M. Letterle,	Geo. E. Willett—61.
McD. Ferguson,		

The following members were absent, viz :

T. J. Arnett,	Berry Howard,	I. M. Quigley,
W. W. Ayres,	J. S. Joplin,	R. E. Roberts,
Posey D. Ball,	T. S. Kirk,	Waller Sharp,
John Bartman,	William Krieger,	Fenton Sims,
A. J. Carroll,	John S. May,	Samuel O. Tate,
F. P. Combest,	Hiram McElroy,	Lewis E. Thomas,
W. J. Cox,	M. D. McInerney,	John M. Tinsley,
Wesley Crow,	Harvey Myers,	D. W. Tribble,
E. M. Dickson,	J. P. O'Meara,	J. H. Welch,
Ben. F. Gardner,	John Lee Payne,	H. P. Whitaker,
J. P. Gay,	J. A. Perkins,	B. F. Willett,
A. L. Harned,	Granville Philpot,	R. B. Wilson,
R. K. Hart,	J. F. Porter,	John D. Woods—39.

The Journal of yesterday's proceedings was approved.

Mr. Sims, from the Committee on Judiciary, reported H. B. 512, entitled

A bill authorizing cities of the second class in the Commonwealth of Kentucky to issue refunding bonds,

With amendments thereto.

Said bill was read the first time at length, ordered to be printed, and read a second time on another day.

Mr. Johnson, from the Committee on Public Health, reported H. B. 520, entitled

A bill to amend an act, entitled "An act to protect citizens of this Commonwealth from empiricism,

With the expression of opinion that said bill ought not to pass.

Said bill was read the first time at length.

Ordered, That the second reading of said bill be refused.

And so said bill was rejected.

Mr. Stephenson, from the Committee on Municipalities, reported S. B. 230, entitled

An act for the government of cities of the fourth class.

Said bill was read the second time by its title,

The constitutional provision as to the second reading of said bill at length being dispensed with.

Ordered, That said bill be recommitted to said committee.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 239. An act concerning animals ;

H. B. 467. An act to provide for the future management and administration of the Agricultural and Mechanical College of Kentucky ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign the same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

A message was received from the Senate, announcing that they had, after having withdrawn same from the hands of the Governor, reconsidered and passed a bill, entitled

H. B. 404. An act to amend an act, entitled "An act to fix the per diem of the employes of this General Assembly," approved January 5, 1893,

With an amendment thereto by way of substitute therefor.

Ordered, That said bill and substitute be placed in the orders of the day.

That they had concurred in amendments Nos. 1, 9, 10, 13, 14, 24, 28, 29 and 30, and had refused to concur in the residue of amendments proposed by the House of Representatives to a substitute adopted by the Senate to a bill, entitled

H. B. 289. An act to provide how the printing, binding and stationery used by the State shall be furnished.

Ordered, That said bill, substitute and amendments be referred to the Committee on Printing and Accounts.

That they had reconsidered and passed

S. B. 216. An act for the government of cities of the first class,

The objections of the Governor to the contrary notwithstanding.

[*See Bill in House Journal March 29, 1893.*]

Said bill, together with the objections of the Governor thereto, were delivered to the House.

Said objections are as follows :

COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT,
FRANKFORT, April 19, 1893. }

Gentlemen of the Senate :

I herewith return to you without my approval Senate bill No. 216, entitled "An act for the government of cities of the first class."

If I had a doubt of the validity of this act, it would be my pleasure to resolve it in its favor and approve it ; but I have no doubt.

This bill exempts from ad valorem taxation the personal property employed in business of merchants, manufacturers, banks, trust companies, street cars, distillers, brewers, gas, telephone companies, etc., and provides a license tax of not less than \$5 for the sale of not exceeding \$1,000 worth of wares or merchandise, and not less than \$1.50 for each additional \$1,000 worth sold. It further provides that each trust company and bank shall pay a license tax of five per cent. of its gross earnings (exclusive of rent of real estate paying a tax to the city), a street car company three per cent. of its gross earnings, etc.

The question in issue is : Has this mode of taxation the sanction of the Constitution ? In the face of sections 170, 171, 172, 174 and 181 of that instrument, I can not approve such construction of the organic law of our Commonwealth.

I do not believe that property can be classified for either municipal or State taxation, and various rates imposed thereon ; but I maintain that all of it must be uniformly taxed in proportion to its value.

I also believe that the proper construction of our Constitution is that, in addition to a general ad valorem tax on all property (including in this designation all evidences of debt, money, merchandise, notes, stocks, bonds, etc.) the General Assembly may impose a tax on incomes, franchises, occupations, trades and professions, or may authorize counties, cities and towns so to do.

As I interpret the Constitution, it clearly commands that taxation shall, in equal burden, be imposed upon all forms of property, real and personal, whether farming stock and implements, lands, bonds, street cars, or any evidences of debt, owned by either corporations or individuals, within the taxing district.

Section 174 of the Constitution reads :

“All property, whether owned by natural persons or corporations, shall be taxed in proportion to its value, unless exempted by this Constitution, and all corporate property shall pay the same rate of taxation paid by individual property.”

What does this language mean ? It is indisputably a common

rule for corporations and individuals, having property, to bear equally the burden of taxation.

Section 171 of the Constitution provides :

“Taxes shall be uniform upon all property subject to taxation within the territorial limits of the authority levying the tax.”

There is found in this bill one rate for a citizen and another for a corporation of Louisville. The tax rate of that city is \$2.17. An individual owning \$100,000 worth of property would pay under this charter \$2,170, and a bank with a capital stock of \$100,000 (including surplus), whose gross earnings might be estimated at \$12,000, would pay \$600, the individual paying more than three times the assessment of the bank.

Section 172 of the Constitution reads :

“All property not exempt from taxation shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale.”

Here we find in the operation of this law an exemption or commutation from taxation ; yet section 170 of the Constitution reads :

“All laws exempting or commuting property from taxation * * * shall be void.”

Under the provisions of this act, personal property used by persons and corporations mentioned is not taxed in proportion to its value, and millions of dollars escape taxation. It seems that every rule of the Constitution relating to taxation is disregarded in this charter. A license tax is substituted for an ad valorem tax—the rate is not uniform—the property is not assessed at its fair cash value, and much is not assessed at all.

The Constitution provides that “taxes shall be uniform on all property ;” yet a different rule is provided by this charter for banks, gas and street car companies, &c., without regard to valuation of the property of each.

The Constitution, in my opinion, authorizes the imposition of a tax on incomes, licenses and franchises, in addition to the ad valorem tax ; also a tax on trades, occupations and professions.

Under the old Constitution there were exemptions of corporations from equal rates of taxation, and there were classifications of property for taxation, in which burdens were placed on the

poor in favor of the rich, the corporations having special privileges by legislative enactment, not recognized under our present organic law. The new rule is that taxation shall be uniform for corporations and individuals, and that, as provided in section 170 of the Constitution: "All laws exempting or commuting property shall be void."

In the case of *Livingston vs. the City of Paducah*, 80th Kentucky, page 656, the Court of Appeals, determining a principle under the old Constitution, say:

"The power of the Legislature to impose license taxes and taxes on business, occupations, franchises and privileges being clear, the statute under consideration, to the extent that it provides for the imposition of a tax upon vehicles in the city of Paducah used in the conducting of or in connection with the regular business of the persons using them, is valid, notwithstanding such vehicles may by a different statute be subject to taxation according to their value."

If, under our old Constitution, such were the law, the enforcement of such rule of taxation under our new organic law is, in my humble judgment, not debatable—in presence of its provisions—as plain as the direction of a sign-board placed on a public highway.

The authorities of the State courts, and of the United States Supreme Court on this subject, are familiar to all lawyers.

We have a new Constitution. The purpose of its framers was to put beyond dispute certain fundamental principles, embraced in the provisions of that instrument, which I have quoted.

That document, which is the supreme law, also says in its

"PREAMBLE:

"We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

"BILL OF RIGHTS.

"That the great and essential principles of liberty and free government may be recognized and established, WE DECLARE.
that * * *

"§ 3. All men, when they form a social compact, are equal, and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consid-

eration of public services ; *but no property shall be exempt from taxation, except as provided in this Constitution.*"

The basic principle of our organic law is equality in all of the burdens of taxation for the support of the Commonwealth.

No locality, no municipality, large or small, no man or set of men—individually or in a corporate capacity—can have, by law, exclusive privileges. The farmer, blacksmith, merchant, mechanic, banker or stock or bond-holder must bear his equal burden of the expenses of the government. The law must know no favorites, either in the shape of corporations or individuals. We are all equally bound in common to support the Commonwealth, and let none, either as citizen or corporation, escape the obligation of just taxation.

This charter, in section 240, provides :

"The general council shall pass an ordinance paying to each of the Judges of the Jefferson Circuit Court, Thirtieth Judicial District, a salary which, added to that paid by the State, shall make the salary of each \$5,000, to be paid in monthly installments, and shall also, by ordinance, pay the Commonwealth's Attorney for said Thirtieth Judicial District a salary of \$2,500, to be paid in monthly installments."

Section 181 of the Constitution reads :

"The General Assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes."

Also in section 98 of the Constitution it is provided :

"The compensation of the Commonwealth's Attorney shall be by salary and such percentage of fines and forfeitures as may be fixed by law, and such salary shall be uniform in so far as the same shall be paid out of the State Treasury, and not to exceed the sum of five hundred dollars per annum ; but any county may make additional compensation, to be paid by said county."

It will appear that under the Constitution only the county, and not the city of Louisville, can provide for the addition to the salaries of the judges and Commonwealth's Attorney.

There are other features of this charter, as changed from its original form, that are not, in my judgment, in consonance with

the letter of the Constitution. I shall not discuss these objections, but they are material.

The new Constitution is voiceful upon questions about which the old instrument was silent. In obedience to its mandatory provisions, I must withhold my approval of this enactment. "Where authority begins argument ceases."

Very respectfully,

JOHN YOUNG BROWN.

Ordered, That said bill, and the objections of the Governor thereto, be made the special order for Wednesday, May 3d, prox., at 10:30 o'clock, A. M.

The House took up the special order, viz :

H. B. 458. A bill creating the office of circuit court stenographer, and providing for salary thereof,

Together with the substitute therefor by the Committee on Circuit Courts.

Said bill reads as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the office of circuit court stenographer is hereby created and established in each of the several judicial districts of this Commonwealth.

§ 2. That each of the several circuit judges in this Commonwealth shall, as soon as practicable after this act shall become a law, appoint a suitable court stenographer for his judicial district.

§ 3. It shall be the duty of such stenographer to attend the circuit courts in each of the several counties composing the judicial district for which such stenographer shall be appointed, and remain in attendance on said court during its sittings, and shall, when directed by the court, take down in shorthand full stenographic notes of all the oral testimony of witnesses examined in said court, and keep and preserve the notes so taken in each case separately. Such stenographer shall also, during the progress of the trial, take down all admissions made by either party to the action, the objections to the introduction of testimony, the rulings of the court thereon, and the exceptions taken thereto, and such other proceedings as the court may direct; and shall, upon payment of the fees hereinafter set forth, transcribe and furnish any person having an interest in such suit with a transcript of all such notes or any part thereof.

§ 4. Each official stenographer appointed as aforesaid shall receive as compensation, exclusive of the fees hereinafter allowed for transcripts, the sum of five dollars per day for each

and every day such stenographer shall attend said court as such stenographer, and the amount so allowed such stenographer shall be paid at each term of said court by the trustee of the jury fund of the county wherein said term of said court is holden, upon the presentation of a certificate signed by the judge of said court, and which certificate shall be a proper voucher to the trustee of the jury fund for the amount so paid.

§ 5. The several circuit court clerks of this Commonwealth shall, as soon as this act becomes a law, and for the purpose of providing a fund for the payment of such stenographers, tax as costs in each and every suit then pending, and that may thereafter be appealed to or filed in the circuit court of his county, the sum of three dollars, and which said sum he shall collect, and pay the same over to the trustee of the jury fund for his county.

§ 6. It shall be the duty of the trustee of the jury fund to pay out of the funds in his hands the amount due such stenographer as shown by the certificate of the judge of the court as herein provided, and account to the proper officers of this Commonwealth, as in case of other funds collected and held by him, and in case there shall not be funds sufficient in his hands to pay said stenographer as herein provided, he shall certify the residue to the State Auditor for payment, whereupon the Auditor shall draw his warrant upon the State Treasury for such sum, and the State Treasurer shall forthwith pay the said warrant out of any funds in the Treasury not otherwise appropriated.

§ 7. Said stenographer shall be allowed for transcribing the shorthand notes, or any part thereof, and furnishing a copy of same, the sum of ten cents per folio of one hundred words each, and which transcript shall be paid for by the party ordering same.

§ 8. Such stenographers shall, before entering upon their official duties, take, in addition to the usual constitutional oath, an oath to faithfully, honestly and truly note and transcribe the evidence and other proceeding of said court to the best of his or her knowledge, skill and ability.

§ 9. When said stenographer shall have made out the transcript of such evidence, and certified and signed the same in any case tried in said court, the same shall be received and accepted by all courts of this Commonwealth as the evidence given on the trial of said cause.

The substitute for said bill, as proposed by the committee, is as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The judge of the circuit court of each judicial district of this Commonwealth, or of any division of such court, may, in his discretion, appoint an official stenographic

reporter for such court or division, who shall be skilled in his profession, and who shall hold office for a period of five years, or until his successor is appointed and qualified, unless sooner removed at the pleasure of the judge of said court or division for incompetency, or for other cause shown as hereinafter provided.

§ 2. Said reporter, before entering upon the discharge of his duties, shall take an oath before the judge of the court or division for which said reporter is appointed to faithfully discharge the duties of such stenographic reporter.

§ 3. Upon any trial or proceeding in any civil case in said court or division, if either party to the suit, or their attorney, shall request the services of said reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct such reporter to make a full report of the testimony heard therein, whereupon it shall be the duty of the reporter to take full stenographic notes of such testimony, and upon the motion of either party to the suit or proceeding, or their attorney, to cause a full and accurate transcript of the same to be made, which shall be filed among the papers to be used in making up the bill of exceptions to the Court of Appeals.

§ 4. Upon the trial of any criminal proceeding in said court, if the Commonwealth's attorney, or the accused, through his attorney, shall request the services of said reporter, the presiding judge may, in his discretion, order a full report of the testimony and a transcript thereof, whereupon it shall be the duty of said reporter to take full shorthand notes of such testimony, and to make such transcript thereof as he may be directed to make by the judge of said court, which transcript may be used in making up the bill of exceptions to the Court of Appeals.

§ 5. In any equity suit or proceeding pending in such court or division, where testimony is to be taken, if either of the parties to the suit or proceeding, or their attorney, shall suggest, the presiding judge may, in his discretion, direct such testimony to be taken by the reporter, in which case it shall be the duty of said reporter to take the testimony in short-hand, and to cause a full and accurate transcript of the same to be made, and filed among the papers of the case.

§ 6. The fees of said reporters appointed under the provisions of this act, when serving in criminal cases in any of said courts, shall be fixed by the presiding judge thereof, not, however, to exceed five dollars per day for taking stenographic notes, and fifteen cents per one hundred words for the transcript thereof, which fees shall be paid upon the order of the presiding judge of said court, by the county or counties composing the judicial district in which such circuit court is situated, if the same is ordered by the court for the use of the Commonwealth's attorney. If the transcript of the notes of said reporter in any criminal case is ordered by the presiding judge upon the motion of

the defendant, or his counsel, the defendant shall be required to pay for the same, if, in the opinion of the court, he is able to do so. If it shall appear that the defendant is not able to pay for such transcript, the court may direct the same to be paid for as heretofore provided, and the same may be recovered at any future time from the defendant: *Provided, however*, That no part of the fees of said reporter shall be paid by the Commonwealth. The fees of said reporter, when serving in civil cases in any of said courts or divisions, shall be fixed by the presiding judge thereof, not, however, to exceed five dollars per day for taking stenographic reports, and fifteen cents per one hundred words for the transcript thereof, which shall be paid forthwith by the party or parties in whose behalf such report or transcript is ordered, and shall be taxed as a part of the costs of the suit or proceeding: *Provided, however*, That said reporter shall not be required to file any of said transcripts without payment therefor by the party or parties in whose behalf the same is ordered: *Provided, however, further*, That the presiding judge of said court or division may direct said reporter to file a transcript upon the motion of any party suing in *forma pauperis*.

§ 7. The testimony, of any witness or witnesses taken by said reporter in any court or division as aforesaid, shall constitute a part of the record of the case, and may, in the discretion of the presiding judge, be used in any subsequent trial of the same case between the same parties, where the testimony of such witness or witnesses can not be procured, which fact must be made to appear satisfactorily to the court by the affidavit of the party desiring to use the same, or his attorney.

§ 8. Any of said transcripts of testimony made by such reporter, as aforesaid, when attested by the judge before whom the trial is had, may be taken, without being copied, to the Court of Appeals, to be used upon an appeal, and thereafter returned to the court in which it was made.

§ 9. If said reporter shall prove to be incompetent, or shall fail to perform, in whole or in part, faithfully the duties, obligations and labors enjoined upon him in this act, he shall at once be removed by the judge of such court or division upon the application of any responsible person, showing good cause therefor by competent evidence; and if said reporter shall be guilty of any willful or corrupt misconduct or neglect in the discharge of any of the duties, obligations or labors required to be by him performed by any of the provisions of this act, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months.

§ 10. This act shall take effect and be in force from and after its passage and approval by the Governor, and to that end an emergency is hereby declared to exist in this, that the present

method of securing stenographic notes in courts in this Commonwealth is needlessly extravagant.

Mr. Gardner offered an amendment to said substitute, by way of an additional section, as follows, viz:

Section —. The fiscal court of each county, and in counties containing a city separated from the remainder of the county for county governmental purposes, the board of commissioners shall, before such reporter shall enter upon the discharge of the duties imposed by this act in such county, shall decide, by a majority of the members thereof, whether the services of a reporter are desired in such county, and said decision shall be entered on the records of the county court; but the same may be changed in the same manner, and by a like order, at any time the aforesaid fiscal court may desire.

Which was agreed to.

Mr. Hanks offered an amendment to said substitute as follows, viz:

Add to section four the following: "That no fee shall be taxed against the party not applying for the stenographer for his services as such."

Which was agreed to.

The yeas and nays being required thereon by Messrs. Hanks and Mathers, were as follows, viz:

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	McD. Ferguson,	W. F. Neat,
Lewis Alexander, Sr.,	J. C. Glenn,	Eli Nicholls,
R. F. Bass,	Thos. H. Hanks,	W. F. Peak,
W. P. Beard,	H. K. Hay,	Thos. S. Pettit,
B. T. Birkhead,	P. R. Hays,	J. F. Porter,
P. S. Bruner,	F. W. Hutcheson,	S. H. Shouse,
Polk Cansler,	W. W. Johnson,	Fenton Sims,
R. F. Comer,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	Lewis Y. Leavell,	J. R. Summers,
J. M. Dawson, Jr.,	H. P. Lively,	J. R. Thomas,
James R. Dean,	C. W. Mathers,	N. S. Walton,
J. E. Durham,	John S. May,	Geo. E. Willett—36.

Those who voted in the negative, were—

John Bartman,	S. M. Gough,	I. M. Quigley.
B. F. Bennett,	Geo. T. Halbert,	C. D. Reed,
A. J. Carroll,	B. B. Hensley,	R. E. Roberts,
A. H. Charlton,	Daniel James,	John Ryan,

L. J. Cox,	Henry Kremer,	D. H. Severs,
George Will. Follis,	John M. Letterle,	C. C. Spalding,
J. M. Frazee,	Hiram McElroy,	W. W. Stephenson,
Ben. F. Gardner,	M. D. McInerney,	D. W. Tribble,
J. P. Gay,	E. M. Pryse,	B. F. Willett—27.

Mr. Birkhead offered an amendment to said substitute as follows :

Add to section 3 the words : “The fees and charges of the stenographer in all civil cases shall be paid by the party employing, which shall not be taxed as costs against the unsuccessful party.”

Which was agreed to.

Mr. Bashaw offered an amendment to said substitute as follows :

Amend section 6 by striking out the words after “county,” in line seven, down to and including the word “situated,” in line eight, and inserting in lieu thereof the words “in which the court is held.”

Which was agreed to.

Said substitute, as amended, was agreed to.

Ordered, That said bill, as amended by the substitute, be read the third time.

Said bill was read the third time.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	George Will. Follis,	M. D. McInerney,
W. S. Bailey,	J. M. Frazee,	W. F. Peak,
Posey D. Ball,	Ben. F. Gardner,	E. M. Pryse,
John Bartman,	S. M. Gough,	I. M. Quigley,
John T. Bashaw,	Geo. T. Halbert,	C. D. Reed,
R. F. Bass,	H. K. Hay,	R. E. Roberts,
John Botts,	B. B. Hensley,	John Ryan,
A. J. Carroll,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	Daniel James,	C. C. Spalding,
A. H. Charlton,	Henry Kremer,	W. W. Stephenson,
L. J. Cox,	Lewis Y. Leavell,	B. F. Willett,
D. B. Edmiston,	John M. Letterle,	Geo. E. Willett—36.

Those who voted in the negative, were—

Mr. Speaker (Moore),	John Finn,	Eli Nicholls,
W. P. Beard,	J. C. Glenn,	J. A. Perkins,

B. F. Bennett,	Thos. H. Hanks,	Thos. S. Pettit,
B. T. Birkhead,	U. G. Harlow,	J. F. Porter,
P. S. Bruner,	P. R. Hays,	A. T. Pullen,
Polk Cansler,	W. W. Johnson,	S. H. Shouse,
R. F. Comer,	R. M. Kincheloe,	Fenton Sims,
J. S. Cullen,	H. P. Lively,	W. R. Stewart,
J. M. Dawson, Jr.,	C. W. Mathers,	J. R. Summers,
J. E. Durham,	Hiram McElroy,	J. R. Thomas,
McD. Ferguson,	W. F. Neat,	N. S. Walton—33.

And so said bill was rejected.

The House took from the orders of the day H. B. 506, entitled
A bill prohibiting bears being conveyed along the highways
except when caged.

Said bill was read the second time.

Mr. Bailey, by consent of the House, withdrew the motion
heretofore entered by him to reconsider the vote by which the
House refused to order to a second reading

H. B. 100. A bill to repeal chapter 1448, Session Acts 1889--
1890, approved May 12, 1890.

And then the House adjourned.

SATURDAY, APRIL 29, 1893.

The House was opened with prayer by Rev. W. C. Taylor, of
the Baptist Church.

Mr. Hanks, as Speaker *pro tem.*, in the chair.

Upon the call of the roll, the following members were present,
viz:

Lewis Alexander, Sr.,	McD. Ferguson,	C. W. Mathers,
W. S. Bailey,	John Finn,	W. H. May,
Posey D. Ball,	George Will. Follis,	Hiram McElroy,
John T. Bashaw,	Wm. Garrison,	W. F. Neat,
R. F. Bass,	J. C. Glenn,	Eli Nicholls,
B. F. Bennett,	S. M. Gough,	J. A. Perkins,
B. T. Birkhead,	Geo. T. Halbert,	Thos. S. Pettit,
John Botts,	Thos. H. Hanks,	J. F. Porter,

P. S. Bruner,	U. G. Harlow,	E. M. Pryse,
Polk Cansler,	H. K. Hay,	A. T. Pullen,
B. E. Caudill,	P. R. Hays,	C. D. Reed,
R. F. Comer,	B. B. Hensley,	S. H. Shouse,
L. J. Cox,	W. J. Hissem,	C. C. Spalding,
W. J. Cox,	F. W. Hutcheson,	W. W. Stephenson,
J. S. Cullen,	Daniel James,	J. R. Summers,
James R. Dean,	W. W. Johnson,	J. R. Thomas,
E. M. Dickson,	R. M. Kincheloe,	D. W. Tribble,
J. E. Durham,	Lewis Y. Leavell,	Geo. E. Willett—55.
D. B. Edmiston,		

The following members were absent, viz :

Mr. Speaker (Moore).	Berry Howard,	R. E. Roberts,
T. J. Arnett,	J. S. Joplin,	John Ryan,
W. W. Ayres,	T. S. Kirk,	D. H. Severs,
John Bartman,	Henry Kremer,	Waller Sharp,
W. P. Beard,	William Krieger,	Fenton Sims,
A. J. Carroll,	John M. Letterle,	W. R. Stewart,
A. H. Charlton,	H. P. Lively,	Samuel O. Tate,
F. P. Combest,	John S. May,	Lewis E. Thomas,
Wesley Crow,	M. D. McInerney,	John M. Tinsley,
J. M. Dawson, Jr.,	Harvey Myers,	N. S. Walton,
J. M. Frazee,	J. P. O'Meara,	J. H. Welch,
Ben. F. Gardner,	John Lee Payne,	H. P. Whitaker,
J. P. Gay,	W. F. Peak,	B. F. Willett,
A. L. Harned,	Granville Philpot,	R. B. Wilson,
R. K. Hart,	I. M. Quigley,	John D. Woods—45.

The Journal of yesterday was approved.

Petitions were presented as follows, viz :

By Mr. Pettit—

1. Petition from Farmers and Laborers' Union, of Daveiss county, asking passage of a law making it a felony to import certain classes of horses into this State.

By same—

2. Petition of Daveiss County Farmers and Laborers' Union, asking amendment to law authorizing county judge to employ counsel unless authorized by a majority of the magistrates of the county.

Which petitions were received, their reading dispensed with, and referred—the 1st to the Committee on Retrenchment and Reform ; the 2d to the Committee on County and City Courts.

Mr. J. R. Thomas, from the Committee on Legislative Districts, reported H. Resolution 57, entitled

Resolution declaring an emergency for the passage of S. B. 198,

Without an expression of opinion.

Said resolution was read the first time, ordered to be printed, and read the second time on some other day.

A message was received from the Senate, announcing that they had passed S. B. 237, entitled

An act concerning the State Normal School for Colored Persons.

Ordered, That said bill be referred to the Committee on Education.

Mr. Mathers, from the Committee on Charitable Institutions, reported H. B. 414, entitled

A bill authorizing the Commissioners of the Eastern Lunatic Asylum to remove fence and widen Newtown pike,

With the expression of opinion that it should not pass.

Said bill was read the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

The House took from the orders of the day H. B. 506, entitled

A bill prohibiting bears being conveyed along the highways except when in a cage.

Mr. Follis offered a substitute for said bill.

The yeas and nays being required thereon by Messrs. Follis and Halbert, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. E. Durham,	B. B. Hensley,
W. S. Bailey,	D. B. Edmiston,	W. J. Hissem,
John Bartman,	McD. Ferguson,	F. W. Hutcheson,
John T. Bashaw,	George Will. Follis,	Daniel James,
John Botts,	S. M. Gough,	W. W. Johnson,
P. S. Bruner,	Geo. T. Halbert,	Lewis Y. Leavell,
Polk Cansler,	Thos. H. Hanks,	John S. May,
B. E. Caudill,	U. G. Harlow,	E. M. Pryse,
L. J. Cox,	H. K. Hay,	B. F. Willett—29.
James R. Dean,	P. R. Hays,	

Those who voted in the negative, were—

B. F. Bennett,	Hiram McElroy	S. H. Shouse,
B. T. Birkhead,	W. F. Neat,	Fenton Sims,
R. F. Comer,	Eli Nicholls,	C. C. Spalding,
J. S. Cullen,	J. A. Perkins,	W. W. Stephenson,
John Finn,	Thos. S. Pettit,	J. R. Summers,
J. P. Gay,	J. F. Porter,	J. R. Thomas,
J. C. Glenn,	A. T. Pullen,	J. H. Welch—23.
C. W. Mathers,	C. D. Reed,	

Ordered, That said bill be read the third time.

Said bill was read the third time and rejected.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	James R. Dean,	P. R. Hays,
W. S. Bailey,	J. E. Durham,	B. B. Hensley,
John Bartman,	D. B. Edmiston,	Daniel James,
John T. Bashaw,	John Finn,	W. W. Johnson,
Polk Canaler,	S. M. Gough,	Lewis Y. Leavell,
B. E. Caudill,	Geo. T. Halbert,	C. W. Mathers,
R. F. Comer,	Thos. H. Hanks,	John S. May,
L. J. Cox,	U. G. Harlow,	E. M. Pryse,
W. J. Cox,	H. K. Hay,	C. C. Spalding—27.

Those who voted in the negative, were—

B. F. Bennett,	J. C. Glenn,	J. F. Porter,
B. T. Birkhead,	W. J. Hissem,	A. T. Pullen,
John Botts,	F. W. Hutcheson,	C. D. Reed,
P. S. Bruner,	R. M. Kincheloe,	S. H. Shouse,
J. S. Cullen,	Hiram McElroy,	Fenton Sims,
McD. Ferguson,	W. F. Neat,	W. W. Stephenson,
George Will Follis,	Eli Nicholls,	J. R. Summers,
Wm. Garrison,	J. A. Perkins,	J. R. Thomas—26.
J. P. Gay,	Thos. S. Pettit,	

So said bill was rejected.

Mr. Garrison moved to reconsider the vote by which said bill was rejected.

Mr. Ferguson moved to lay said motion on the table.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Follis and Hensley, were as follows, viz :

Those who voted in the affirmative, were—

R. F. Bass,	Wm. Garrison,	A. T. Pullen,
B. F. Bennett,	F. W. Hutcheson,	C. D. Reed,
John Botts,	R. M. Kincheloe,	S. H. Shouse,
P. S. Bruner,	Hiram McElroy,	W. W. Stephenson,
R. F. Comer,	W. F. Neat,	Fenton Sims—17.
McD. Ferguson,	J. A. Perkins.	

Those who voted in the negative, were—

Lewis Alexander, Sr.,	George Will. Follis,	Henry Kremer,
W. S. Bailey,	J. P. Gay,	Lewis Y. Leavell,
John Bartman,	J. C. Glenn,	C. W. Mathers,
John T. Bashaw,	S. M. Gough,	John S. May,
B. T. Birkhead,	Geo. T. Halbert,	Eli Nicholls,
Polk Cansler,	Thos. H. Hanks,	Thos. S. Pettit,
B. E. Caudill,	U. G. Harlow,	J. F. Porter,
L. J. Cox,	H. K. Hay,	E. M. Pryse,
W. J. Cox,	P. R. Hays,	C. C. Spalding,
J. S. Cullen,	B. B. Hensley,	J. R. Summers,
James R. Dean,	W. J. Hissem,	J. R. Thomas,
J. E. Durham,	Daniel James,	D. W. Tribble,
D. B. Edmiston,	W. W. Johnson,	B. F. Willett—40.
John Finn,		

Mr. Garrison moved to postpone indefinitely the further consideration of said bill.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Bashaw and Hays, were as follows, viz :

Those who voted in the affirmative, were—

R. F. Bass,	W. J. Hissem,	A. T. Pullen,
B. F. Bennett,	F. W. Hutcheson,	C. D. Reed,
B. T. Birkhead,	W. W. Johnson,	S. H. Shouse,
John Botts,	R. M. Kincheloe,	Fenton Sims,
P. S. Bruner,	Henry Kremer,	C. C. Spalding,
R. F. Comer,	John S. May,	W. W. Stephenson,
E. M. Dickson,	Hiram McElroy,	J. R. Summers,
McD. Ferguson,	W. F. Neat,	D. W. Tribble,
Wm. Garrison,	Eli Nicholls,	J. H. Welch—29.
J. P. Gay,	J. A. Perkins,	

Those who voted in the negative, were—

Lewis Alexander, Sr.,	James R. Dean,	H. K. Hay,
W. S. Bailey,	D. B. Edmiston,	P. R. Hays,

John Bartman,	John Finn,	B. B. Hensley,
John T. Bashaw,	George Will. Follis,	Daniel James,
Polk Cansler,	J. C. Glenn,	Lewis Y. Leavell,
B. E. Caudill,	S. M. Gough,	C. W. Mathers,
L. J. Cox,	Geo. T. Halbert,	J. F. Porter,
W. J. Cox,	Thos. H. Hanks,	E. M. Pryse—26.
J. S. Cullen,	U. G. Harlow,	

So said bill was rejected.

Mr. Bailey moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

MONDAY, MAY 1, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayne, of the Presbyterian Church.

Mr. Hanks, Speaker *pro tem.*, in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Lewis Alexander, Sr.,	D. B. Edmiston,	Lewis Y. Leavell,
W. S. Bailey,	McD. Ferguson,	C. W. Mathers,
Posey D. Ball,	John Finn,	John S. May,
John T. Bashaw,	George Will. Follis,	Hiram McElroy,
R. F. Bass,	Wm. Garrison,	W. F. Neat,
B. F. Bennett,	S. M. Gough,	Eli Nicholls,
B. T. Birkhead,	Geo. T. Halbert,	W. F. Peak,
John Botts,	Thos. H. Hanks,	J. A. Perkins,
~~P. S. Bruner,~~	U. G. Harlow,	Thos. S. Pettit,
Polk Cansler,	A. L. Harned,	Granville Philpot,
B. E. Caudill,	H. K. Hay,	J. F. Porter,
A. H. Charlton,	P. R. Hays,	E. M. Pryse,
R. F. Comer,	W. J. Hissem,	A. T. Pullen,
L. J. Cox,	F. W. Hutcheson,	John Ryan,
Will J. Cox,	Daniel James,	S. H. Shouse,
J. S. Cullen,	W. W. Johnson,	J. R. Summers,
J. M. Dawson, Jr.,	J. S. Joplin,	J. R. Thomas,
James R. Dean,	R. M. Kincheloe,	J. H. Welch,
J. E. Durham,	Henry Kremer,	B. F. Willett—57.

The following members were absent, viz :

Mr. Speaker (Moore),	Berry Howard,	Waller Sharp,
T. J. Arnett,	T. S. Kirk,	Fenton Sims,
W. W. Ayres,	William Krieger,	C. C. Spalding,
John Bartman,	John M. Letterle,	W. W. Stephenson,
W. P. Beard,	H. P. Lively,	W. R. Stewart,
A. J. Carroll,	W. H. May,	Samuel O. Tate,
F. P. Combest,	M. D. McInerney,	Lewis E. Thomas,
Wesley Crow,	Harvey Myers,	John M. Tinsley,
E. M. Dickson,	J. P. O'Meara,	D. W. Tribble,
J. M. Frazee,	John Lee Payne,	N. S. Walton,
Ben. F. Gardner,	I. M. Quigley,	H. P. Whitaker,
J. P. Gay,	C. D. Reed,	Geo. E. Willett,
J. C. Glenn,	R. E. Roberts,	R. B. Wilson,
R. K. Hart,	D. H. Severs,	John D. Woods—43.
B. B. Hensley,		

The Journal of Saturday was approved.

Leave of absence, indefinitely, was granted Messrs. Kirk and Glenn.

Mr. Gardner moved to reconsider the vote by which S. B. 216, entitled

An act for the government of cities of the first class,

Was made a special order for Wednesday, May 3, 1893.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Kremer and Pettit, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	McD. Ferguson,	W. W. Johnson,
W. S. Bailey,	John Finn,	R. M. Kincheloe,
John Bartman,	George Will Follis,	Henry Kremer,
John T. Bashaw,	Wm. Garrison,	Lewis Y. Leavell,
R. F. Bass,	Ben. F. Gardner,	C. W. Mathers,
B. F. Bennett,	S. M. Gough,	John S. May,
B. E. Caudill,	U. G. Harlow,	Eli Nicholls,
A. H. Charlton,	A. L. Harned,	J. F. Porter,
L. J. Cox,	H. K. Hay,	A. T. Pullen,
W. J. Cox,	P. R. Hays,	John Ryan,
J. S. Cullen,	W. J. Hissem,	Waller Sharp,
J. M. Dawson, Jr.,	F. W. Hutcheson,	J. H. Welch,
James R. Dean,	Daniel James,	B. F. Willett—40.
D. B. Edmiston,		

Those who voted in the negative, were—

B. T. Birkhead,	Thos. H. Hanks,	Granville Philpot,
John Botts,	J. S. Joplin,	E. M. Pryse,
P. S. Bruner,	Hiram McElroy,	I. M. Quigley,
Polk Cansler,	W. F. Neat,	S. H. Shouse,
R. F. Comer,	W. F. Peak,	Fenton Sims,
J. E. Durham,	J. A. Perkins,	J. R. Summers,
Geo. T. Halbert,	Thos. S. Pettit,	J. R. Thomas—21.

Mr. Gardner moved to make said bill a special order for Thursday, May 4, 1893, at 10:30 o'clock, A. M.

Said motion was adopted.

Mr. Quigley moved to reconsider the vote by which said motion was adopted, and moved to lay that motion on the table.

Said motion was adopted.

Mr. Mathers introduced H. Resolution 100, entitled

Resolution directing certain inmates of the Institution for the Education and Training of Feeble-minded Children to be returned to the counties from whence they came; referred to the Committee on Charitable Institutions.

The House took from the orders of the day H. B. 512, entitled

A bill authorizing cities of the second class in the Commonwealth of Kentucky to issue refunding bonds.

Said bill was read the second time.

Mr. Gardner introduced H. Resolution 101, entitled

Resolution directing State Librarian to deliver to the State Commissioners for the World's Columbian Exposition certain paintings, works of art and historic views, and declaring an emergency; referred to the Committee on Public Offices and Library.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz:

S. B. 16. An act to amend section 51, Civil Code,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being

found correctly enrolled, the Speaker *pro tem.*, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

Mr. Sims, from the Committee on General Statutes, reported S. B. 74, entitled

An act in relation to charitable uses and religious societies.

Ordered, That said bill be read a third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. All grants, conveyances, devises, gifts, appointments and assignments heretofore made, or which shall be hereafter made, in due form of law, of any lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, stock or choses in action, for the relief or benefit of aged or impotent and poor people, sick and maimed soldiers and mariners, schools of learning, seminaries, colleges, universities, navigation, bridges, ports, havens, causeways, public highways, churches, houses of correction, hospitals, asylums, idiots, lunatics, deaf and dumb persons, the blind, or in aid of young tradesmen, orphans, or for the redemption of prisoners or captives, setting out of soldiers, or for any other charitable or humane purpose, shall be valid, if the grant, conveyance, devise, gift, appointment, or assignment shall point out with reasonable certainty the purposes of the charity and the beneficiaries thereof, except as hereinafter restricted.

§ 2. No charity shall be defeated for the want of a trustee or other person in whom the title may vest ; but courts of equity may uphold the same by appointing trustees, if there be none, or by taking control of the fund or property, and directing its management and settling who is the beneficiary thereof.

§ 3. No church or society of Christians shall be capable of taking or holding the title, legal or equitable, to exceeding fifty acres of ground ; but may acquire and hold that quantity for the purpose of erecting thereon houses of public worship, public instruction, parsonage or grave-yard.

§ 4. The society may, before or after the creation of the charity, appoint not exceeding three trustees, who, and their successors, shall be vested with the title, legal or equitable, to such property, for the use of such society ; shall enter such appointment upon its record-book, a majority concurring therein, and may fill vacancies in like manner.

§ 5. The trustees, or a majority of them, may, in their own.

names, for the use of the society, institute and prosecute suits to recover any property, real or personal, to which the society has right; and may defend any suit that shall be instituted against the trustees or society for or touching its temporalities.

§ 6. In case a schism or division shall take place in a society, the trustees shall permit each party to use the church and appurtenances for divine worship a part of the time, proportioned to the members of each party. The excommunication of one party by the other shall not impair such right, except it be done, *bona fide*, on the grounds of immorality.

§ 7. If any society holding lands shall dissolve, the title to such land and appurtenances shall vest in the trustees of the county seminary in which the land may lie, for the use of such seminary; and if there be no such seminary, then in the county court, for the benefit of common schools in the county. The provisions of this chapter shall not apply to the society called Shakers, who shall have the same right to acquire and hold real estate as they have had prior to the passage of this law.

§ 8. It shall be competent for the circuit court of the county in which the real estate held in the manner mentioned in this chapter is situate, to adjudge a sale of the same for the purpose of reinvestment in similar property in the same county, and for the same uses, trust and purposes; but such judgment shall only be rendered upon petition in equity making the proper parties, setting forth the reasons why such sale would be proper and equitable, which may be controverted; and when it shall also appear that such sale will not violate any reserved rights or qualifications or limitations expressed in the dedication or grant.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	D. B. Edmiston,	John S. May,
W. S. Bailey,	McD. Ferguson,	Hiram McElroy,
Posey D. Ball,	George Will. Follis,	W. F. Neat,
John Bartman,	Wm. Garrison,	Eli Nicholls,
R. F. Bass,	S. M. Gough,	W. F. Peak,
B. F. Bennett,	Geo. T. Halbert,	J. A. Perkins,
B. T. Birkhead,	Thos. H. Hanks,	Thos. S. Pettit,
John Botts,	A. L. Harned,	Granville Philpot,
P. S. Bruner,	H. K. Hay,	J. F. Porter,
Polk Cansler,	P. R. Hays,	E. M. Pryse,
B. E. Caudill,	W. J. Hissem,	A. T. Pullen,
A. H. Charlton,	F. W. Hutcheson,	John Ryan,
R. F. Comer,	Daniel James,	S. H. Shouse,
L. J. Cox,	W. W. Johnson,	Fenton Sims,
W. J. Cox,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,

J. M. Dawson, Jr., Lewis Y. Leavell, J. H. Welch,
James R. Dean, C. W. Mathers, B. F. Willett—55.
J. E. Durham,

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bennett, from the Committee on General Statutes, reported S. B. 219, entitled

An act concerning the General Assembly.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The members of the General Assembly shall, in nowise, be disturbed or embarrassed in the great and important business of legislation. They shall not, directly or indirectly, by any ways or means, be arrested, menaced or otherwise disturbed during the existence of their constitutional privilege, except on legal process for treason, felony, breach of the peace, or misdemeanor. A member of either branch of the General Assembly guilty of a breach of privilege may be expelled, censured or fined by the concurrence of two-thirds of the members present.

§ 2. Either House of the General Assembly shall have power to punish any one by fine not exceeding five hundred dollars, and by imprisonment not exceeding six months, or either or both, for a contempt or breach of privilege. Contempts and breach of privilege shall be inquired into first by a special committee appointed for that purpose, before which the accused shall have the right to be heard by himself and counsel, and have compulsory process to procure the attendance of his witnesses ; which committee shall report all matters of fact specially, with their opinion thereon, for the final action of the House.

§ 3. The orders of either House shall be executed by the respective Sergeants-at-Arms, or by any sheriff to whom the same may be directed. Witnesses attending the General Assembly, or either branch thereof, or a committee thereof, shall be entitled to all the privileges and immunities, and the same compensation, to be paid, when summoned by the Commonwealth, out of the Public Treasury, as are allowed witnesses in other cases.

§ 4. All fines imposed by virtue of this chapter shall be collected by the sheriff of the county where the delinquent or his estate may be found, under the mandate of the House, signed by the presiding officer thereof, and paid into the Public Treasury by the officer, and accounted for as other public moneys collected by him.

§ 5. The Clerks of the two Houses of the General Assembly, at the close of each session, shall make an inventory of all the books, stationery and furniture belonging to the respective Houses, and take the receipt of the Librarian for the same, who shall be answerable therefor. The receipts of the Librarian shall be filed with the Secretary of State for safe-keeping.

§ 6. All charters and grants of or to corporations, or amendments thereof, enacted or granted since the 14th of February, 1856, and all other statutes, shall be subject to repeal at the will of the General Assembly, unless a contrary intent be therein plainly expressed: *Provided*, That whilst privileges and franchises so granted may be repealed, no repeal shall impair other rights previously vested.

§ 7. Any person who fraudulently alters the engrossed copy or enrollment of any bill which has been passed by the General Assembly, with intent to procure it to be approved by the Governor or certified by the Secretary of State, or printed or published by the Printer of the Statutes, in language different from that in which it was passed by the General Assembly, shall be guilty of a felony.

§ 8 Any person found guilty of violating the provisions of section seven shall be confined in the penitentiary not less than one nor more than five years.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. E. Durham,	C. W. Mathers,
W. S. Bailey,	D. B. Edmiston,	John S. May,
Posey D. Ball,	McD. Ferguson,	W. F. Neat,
John Bartman,	George Will. Follis,	Eli Nicholls,
John T. Bashaw,	Wm. Garrison,	W. F. Peak,
R. F. Bass,	S. M. Gough,	J. A. Perkins,
B. F. Bennett,	Geo. T. Halbert,	Thos. S. Pettit,
B. T. Birkhead,	Thos. H. Hanks,	Granville Philpot,
John Botts,	A. L. Harned,	J. F. Porter,
P. S. Bruner,	H. K. Hay,	E. M. Pryse,
Polk Cansler,	P. R. Hays,	A. T. Pullen,
B. E. Caudill,	W. J. Hissem,	John Ryan,
A. H. Charlton,	F. W. Hutcheson,	S. H. Shouse,
R. F. Comer,	Daniel James,	Fenton Sims,
L. J. Cox,	W. W. Johnson,	J. R. Summers,
W. J. Cox,	J. S. Joplin,	J. R. Thomas,
J. S. Cullen,	R. M. Kincheloe,	J. H. Welch,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	B. F. Willett—55.
James R. Dean,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Peak moved that the House go into Committee of the Whole House to consider H. B. 388, entitled

A bill concerning roads and passways.

Said motion was adopted.

The House then resolved into the Committee of the Whole, with Mr. Hanks in the chair.

After a time the committee arose, reported progress, and asked leave to sit again.

Said request was granted.

Mr. Ferguson moved that when the House adjourn to-day, it be to meet to-morrow morning at 9 o'clock.

Said motion was adopted.

At 1:30 o'clock, P. M., the House adjourned.

TUESDAY, MAY 2, 1893.

The House was opened with prayer by Mr. Shouse.

Mr. Hanks, Speaker *pro tem.*, in the chair.

Upon a call of the roll, the following members were present, viz:

Lewis Alexander, Sr.,	John Finn,	John S. May,
W. S. Bailey,	George Will. Follis,	Hiram McElroy,
R. F. Bass,	Wm. Garrison,	W. F. Neat,
B. F. Bennett,	S. M. Gough,	Eli Nicholls,
B. T. Birkhead,	Geo. T. Halbert,	W. F. Peak,
John Botts,	Thos. H. Hanks,	J. A. Perkins,
P. S. Bruner,	U. G. Harlow,	Thos. S. Pettit,
Polk Cansler,	A. L. Harned,	E. M. Pryse,
B. E. Caudill,	H. K. Hay,	A. T. Pullen,
A. H. Charlton,	P. R. Hays,	D. H. Severs,
R. F. Comer,	B. B. Hensley,	S. H. Shouse,
W. J. Cox,	W. J. Hissem,	C. C. Spalding,
J. S. Cullen,	F. W. Hutcheson,	J. R. Summers,
J. M. Dawson, Jr.,	Daniel James,	Lewis E. Thomas,
James R. Dean,	W. W. Johnson,	J. R. Thomas,
J. E. Durham,	R. M. Kincheloe,	John M. Tinsley,
D. B. Edmiston,	William Krieger,	N. S. Walton—53.
McD. Ferguson,	Lewis Y. Leavell,	

The following members were absent, viz :

Mr. Speaker (Moore),	R. K. Hart,	C. D. Reed,
T. J. Arnett,	Berry Howard,	R. E. Roberts,
W. W. Ayres,	J. S. Joplin,	John Ryan,
Posey D. Ball,	T. S. Kirk,	Waller Sharp,
John Bartman,	Henry Kremer,	Fenton Sims,
John T. Bashaw,	John M. Letterle,	W. W. Stephenson,
W. P. Beard,	H. P. Lively,	W. R. Stewart,
A. J. Carroll,	C. W. Mathers,	Samuel O. Tate,
F. P. Combest,	W. H. May,	D. W. Tribble,
L. J. Cox,	M. D. McInerney,	J. H. Welch,
Wesley Crow,	Harvey Myers,	H. P. Whitaker,
E. M. Dickson,	J. P. O'Meara,	B. F. Willett,
J. M. Frazee,	John Lee Payne,	Geo. E. Willett,
Ben. F. Gardner,	Granville Philpot,	R. B. Wilson,
J. P. Gay,	J. F. Porter,	John D. Woods—47.
J. C. Glenn,	I. M. Quigley,	

The Journal of yesterday was approved.

Mr. Halbert, from the Committee on General Statutes, reported H. B. 524, entitled

A bill to amend sections 1 and 5 of an act, entitled "An act concerning State Inspector and Examiner," approved January 13, 1893,

With the expression of opinion that it should not pass.

Said bill was read the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

The following bills were introduced, viz :

By Mr. Halbert—

H. B. 527. A bill to prohibit persons leading or conveying bears along the public highways of this Commonwealth, except caged and hid from public view ; referred to the Committee on General Statutes.

By Mr. Gardner—

H. B. 528. A bill in relation to commissioners and receivers of circuit courts ; referred to the Committee on Circuit Courts.

A message was received from the Governor, announcing that he had approved and signed bills, which originated in the House, of the following titles, viz :

H. B. 239. An act concerning animals.

H. B. 240. An act continuing the Kentucky State Dental Association, and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth.

H. B. 476. An act appropriating money to trustees of jury fund to reimburse them for amounts paid in excess of amounts allowed on basis of twelve grand jurors.

Mr. Peak moved that the House go into Committee of the Whole for the purpose of considering H. B. 388, entitled

A bill concerning roads and passways.

Said motion was adopted.

The House then resolved into Committee of the Whole, with Mr. Hanks in the chair.

After a time the Committee arose, reported progress, and asked leave to sit again.

Said request was granted.

And then the House adjourned.

WEDNESDAY, MAY 3, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayney, of the Presbyterian Church.

Mr. Speaker *pro tem.* Hanks in the chair.

Upon a call of the roll, the following members were present, viz :

Lewis Alexander, Sr.,	Geo. Will. Follis,	Eli Nicholls,
W. W. Ayres,	J. M. Frazee,	W. F. Peak,
W. S. Bailey,	Wm. Garrison,	J. A. Perkins,
R. F. Bass,	S. M. Gough,	Thos. S. Pettit,
W. P. Beard,	Geo. T. Halbert,	Granville Philpot,
B. F. Bennett,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	E. M. Pryse,
John Botts,	A. L. Harned,	A. T. Pullen,
P. S. Bruner,	H. K. Hay,	C. D. Reed,
Polk Cansler,	P. R. Hays,	John Ryan,
A. H. Charlton,	B. B. Hensley,	D. H. Severs,
R. F. Comer,	W. J. Hissem,	S. H. Shouse,

L. J. Cox,	F. W. Hutcheson,	C. C. Spalding,
W. J. Cox,	W. W. Johnson,	W. W. Stephenson,
J. S. Cullen,	R. M. Kincheloe,	W. R. Stewart,
J. M. Dawson, Jr.,	William Krieger,	J. R. Summers,
James R. Dean,	Lewis Y. Leavell,	Lewis E. Thomas,
E. M. Dickson,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	John S. May,	John M. Tinsley,
D. B. Edmiston,	Hiram McElroy,	N. S. Walton,
McD. Ferguson,	W. F. Neat,	John D. Woods—64.
John Finn,		

The following members were absent :

Mr. (Speaker Moore),	R. K. Hart,	John Lee Payne,
T. J. Arnett,	Berry Howard,	I. M. Quigley,
Posey D. Ball,	Daniel James,	R. E. Roberts,
John Bartman,	J. S. Joplin,	Waller Sharp,
John T. Bashaw,	T. S. Kirk,	Fenton Sims,
A. J. Carroll,	Henry Kremer,	Samuel O. Tate,
B. E. Caudill,	John M. Letterle,	D. W. Tribble,
F. P. Combest,	H. P. Lively,	J. H. Welch,
Wesley Crow,	W. H. May,	H. P. Whitaker,
Ben. F. Gardner,	M. D. McInerney,	B. F. Willett,
J. P. Gay,	Harvey Myers,	Geo. E. Willett,
J. C. Glenn,	J. P. O'Meara,	R. B. Wilson—36.

The Journal of yesterday was approved.

The following bills and resolution were introduced, viz :

By Mr. Botts—

H. B. 529. A bill to prevent the formation of pools, trusts, combinations or other organizations for the purpose of depreciating or enhancing cost of any article below or above its real value ; referred to the Committee on Judiciary.

By Mr. Woods—

H. B. 530. A bill to amend an act, entitled "An act concerning State Board of Health," approved April 20, 1893 ; referred to the Committee on Public Health.

By Mr. Botts—

H. Resolution 102. Resolution directing the Attorney-General to institute proceedings against the Louisville Leaf Tobacco Exchange ; referred to the Committee on Agriculture and Manufactures.

A message was received from the Senate, announcing that they had received official information that the Governor had

approved and signed bills, which originated in the Senate, of the following titles, viz :

S. B. 75. An act relating to claims upon the Treasury.

S. B. 227. An act concerning notaries public.

That they had concurred in amendments proposed by the House to S. B. 232, entitled

An act creating and establishing the office of trustee of the jury fund, and prescribing the duties and powers pertaining thereto.

That they had passed S. Resolution 58, entitled

Resolution directing the Committee on Internal Improvements to investigate charges made on all turnpike roads in this State.

Ordered, That said last-named bill be referred to the Committee on Internal Improvements.

The House took from the orders of the day S. Resolution 57, entitled

Resolution declaring an emergency for the passage of S. B. 198.

Said resolution was read the second time.

Mr. Bashaw entered a motion to reconsider the vote by which the House refused to order to its second reading H. B. 524, entitled

A bill to amend sections 1 and 5 of an act, entitled "An act concerning State Inspector and Examiner," approved January 13, 1893.

Mr. Charlton moved that the House go into the Committee of the Whole for the purpose of considering H. B. 388, entitled

A bill concerning roads and passways.

Said motion was adopted.

The House then resolved into the Committee of the Whole with Mr. Hanks in the chair.

After a time the Committee arose, reported progress, and asked leave to sit again.

Said request was granted.

Mr. Speaker Moore resumed the chair.

Mr. Frazee moved that when the House adjourn it be to meet at 2 o'clock this afternoon.

Said motion was adopted.

The House took from the orders of the day H. B. 404, entitled
A bill to amend an act, entitled "An act to fix the *per diem*
of the employes of this General Assembly," approved January
5th, 1893,

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of
the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. P. Gay,	W. F. Neat,
John Bartman,	S. M. Gough,	Thos. S. Pettit,
R. F. Bass,	U. G. Harlow,	Granville Philpot,
John Botts,	A. L. Harned,	E. M. Pryse,
A. J. Carroll,	R. K. Hart,	A. T. Pullen,
B. E. Caudill,	H. K. Hay,	C. D. Reed,
A. H. Charlton,	W. J. Hissem,	John Ryan,
L. J. Cox,	Daniel James,	D. H. Severs,
J. M. Dawson, Jr.,	W. W. Johnson,	Waller Sharp,
James R. Dean,	R. M. Kincheloe,	C. C. Spalding,
E. M. Dickson,	Henry Krömer,	W. W. Stephenson,
D. B. Edmiston,	William Krieger,	Lewis E. Thomas,
John Finn,	Lewis Y. Leavell,	John M. Tinsley,
George Will. Follis,	John M. Letterle,	J. H. Welch,
J. M. Frazee,	John S. May,	H. P. Whitaker,
Wm. Garrison,	M. D. McInerney,	B. F. Willett,
Ben. F. Gardner,	Harvey Myers,	R. B. Wilson—51.

Those who voted in the negative, were—

W. W. Ayres,	J. S. Cullen,	Hiram McElroy,
W. P. Beard,	J. E. Durham,	Eli Nicholls,
B. F. Bennett,	Thos. H. Hanks,	J. R. Thomas,
B. T. Birkhead,	P. R. Hays,	N. S. Walton,
P. S. Bruner,	F. W. Hutcheson,	John D. Woods—17.
R. F. Comer,	C. W. Mathers,	

Resolved, That said bill do pass, and that the title thereof be
as aforesaid.

Mr. Dawson moved that the House do now adjourn.

Said motion was adopted.

And then the House took a recess until 2 o'clock this after-
noon.

AFTERNOON SESSION.

The House met at 2 o'clock.

Mr. Speaker Moore in the chair.

Mr. Frazee moved that the House go into Committee of the Whole on the state of the Commonwealth.

Said motion was adopted.

The House then resolved into the Committee of the Whole, with Mr. Hanks in the chair.

After a time the Committee arose and asked to be discharged.

Said request was granted.

The Speaker resumed the chair.

And then the House adjourned.

THURSDAY, MAY 4, 1893.

The House was opened with prayer by Rev. J. McCluskey Blaney, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their, names viz :

Mr. (Speaker Moore),	McD. Ferguson,	Hiram McElroy,
Lewis Alexander, Sr.,	John Finn,	W. F. Neat,
W. W. Ayres,	George Will. Follis,	Eli Nicholls,
W. S. Bailey,	J. M. Frazee,	W. F. Peak,
John T. Bashaw,	Wm. Garrison,	J. A. Perkins,
R. F. Bass,	J. C. Glenn,	Thos. S. Pettit,
W. P. Beard,	S. M. Gough,	J. F. Porter,
B. F. Bennett,	Geo. T. Halbert,	E. M. Pryse,
B. T. Birkhead,	Thos. H. Hanks,	A. T. Pullen,
John Botts,	U. G. Harlow,	C. D. Reed,
P. S. Bruner,	A. L. Harned,	John Ryan,
Polk Cansler,	H. K. Hay,	D. H. Severs,
B. E. Caudill,	P. R. Hays,	C. C. Spalding,
A. H. Charlton,	B. B. Hensley,	W. W. Stephenson,
F. P. Combest,	W. J. Hissem,	W. R. Stewart,
R. F. Comer,	Berry Howard,	J. R. Summers,
L. J. Cox,	F. W. Hutcheson,	Lewis E. Thomas,

W. J. Cox,	Daniel James,	J. R. Thomas,
J. S. Cullen,	R. M. Kincheloe	John M. Tinsley,
J. M. Dawson, Jr.,	William Krieger,	D. W. Tribble,
James R. Dean,	John M. Letterle,	N. S. Walton,
J. E. Durham,	C. W. Mathers,	John D. Woods--68.
D. B. Edmiston,	W. H. May,	

The following members were absent, viz :

T. J. Arnett,	T. S. Kirk,	R. E. Roberts,
Posey D. Ball,	Henry Kremer,	Waller Sharp.
John Bartman,	Lewis Y. Leavell,	S. H. Shouse,
A. J. Carroll,	H. P. Lively,	Fenton Sims,
Wesley Crow,	John S. May,	Samuel O. Tate,
E. M. Dickson,	M. D. McInerney,	J. H. Welch,
Ben. F. Gardner,	Harvey Myers,	H. P. Whitaker,
J. P. Gay,	J. P. O'Meara,	B. F. Willett,
R. K. Hart,	John Lee Payne,	Geo. E. Willett,
W. W. Johnson,	Granville Philpot,	R. B. Wilson--32.
J. S. Joplin,	I. M. Quigley,	

The Journal of yesterday was approved.

Mr. Pettit introduced H. B. 531, entitled

A bill to authorize the Kentucky Manufacturing Establishment for the Blind to sell and convey certain real estate for the purpose of discharging its liabilities ; referred to the Committee on Charitable Institutions.

Mr. Hart, from the Committee on Public Offices and Library, reported S. B. 204, entitled

An act in relation to the Library of the Commonwealth and the Librarian thereof, and entitled "Library,"

With an amendment proposed thereto by the committee.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Walton, from the Committee on Printing and Accounts, reported H. B. 289, entitled

A bill to provide how the printing, binding and stationery used by the State shall be furnished,

Together with the amendments proposed by the House to the amendments proposed by the Senate thereto.

With the expression of opinion that the House refuse to recede from its amendments.

The question being taken on receding from its amendments, it was decided in the negative.

The hour of 10:30 o'clock, A. M., having arrived, the House took up the special order for that hour, a bill, entitled

S. B. 216. An act for the government of cities of the first class,

Together with the objections of the Governor to the contrary notwithstanding.

[*See Bill and Governor's Message in House Journal April 28, 1893.*]

Mr. Spalding moved that the session be extended until the bill under consideration was disposed of.

Said motion was adopted.

Pending the consideration of said bill and veto,

Mr. Bashaw moved that the House take a recess until 2 o'clock this afternoon.

Said motion was adopted.

AFTERNOON SESSION.

The House met at 2 o'clock.

Mr. Speaker Moore in the chair.

The House resumed the consideration of S. B. 216, entitled
An act for the government of cities of the first class.

The question being taken on the passage of said bill, the objections of the Governor to the contrary notwithstanding, it was decided in the negative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were--

Mr. Speaker (Moore),	J. P. Gay,	C. D. Reed,
Lewis Alexander, Sr.,	S. M. Gough,	R. E. Roberts,
W. S. Bailey,	A. L. Harned,	John Ryan,
John Bartman,	R. K. Hart,	D. H. Severs,
John T. Bashaw,	B. B. Hensley,	Waller Sharp.
R. F. Bass,	W. J. Hissem,	C. C. Spalding,
A. J. Carroll,	Henry Kremer,	W. W. Stephenson,
A. H. Charlton,	William Krieger,	Lewis E. Thomas,
F. P. Combest,	Lewis Y. Leavell,	John M. Tinsley,

L. J. Cox,	John M. Letterle,	N. S. Walton,
E. M. Dickson,	John S. May,	J. H. Welch,
D. B. Edmiston,	M. D. McInerney,	H. P. Whitaker,
George Will. Follis,	Harvey Myers,	R. B. Wilson,
J. M. Frazee,	E. M. Pryse,	John D. Woods—44.
Ben. F. Gardner,	A. T. Pullen,	

Those who voted in the negative, were—

W. W. Ayres,	John Finn,	W. F. Neat,
Posey D. Ball,	Wm. Garrison,	Eli Nicholls,
W. P. Beard,	J. C. Glenn,	J. P. O'Meara,
B. F. Bennett,	Geo. T. Halbert,	W. F. Peak,
B. T. Birkhead,	Thos. H. Hanks,	J. A. Perkins,
John Botts,	U. G. Harlow,	Thos. S. Pettit,
P. S. Bruner,	H. K. Hay,	Granville Philpot,
Polk Cansler,	P. R. Hays,	J. F. Porter,
B. E. Caudill,	Berry Howard,	I. M. Quigley,
R. F. Comer,	F. W. Hutcheson,	S. H. Shouse,
W. J. Cox,	Daniel James,	Fenton Sims,
J. S. Cullen,	W. W. Johnson,	W. R. Stewart,
J. M. Dawson, Jr.,	J. S. Joplin,	J. R. Summers,
James R. Dean,	R. M. Kincheloe,	J. R. Thomas,
J. E. Durham,	C. W. Mathers,	D. W. Tribble,
McD. Ferguson,	Hiram McElroy,	B. F. Willett—48.

So said bill was rejected.

And then the House adjourned.

FRIDAY, MAY 5, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayney, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. (Speaker Moore),	George Will. Follis,	Hiram McElroy,
Lewis Alexander, Sr.,	J. M. Frazee,	W. F. Neat,
W. W. Ayres,	Wm. Garrison,	Eli Nicholls,
W. S. Bailey,	J. C. Glenn,	W. F. Peak,
R. F. Bass,	S. M. Gough,	Thos. S. Pettit,

W. P. Beard,	Geo. T. Halbert,	J. F. Porter,
B. F. Bennett,	Thos. H. Hanks,	E. M. Pryse,
John Botts,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	A. L. Harned,	C. D. Reed,
Polk Cansler,	H. K. Hay,	John Ryan,
B. E. Caudill,	P. R. Hays,	S. H. Shouse,
A. H. Charlton,	B. B. Hensley,	C. C. Spalding,
R. F. Comer,	W. J. Hissem,	W. W. Stephenson,
L. J. Cox,	F. W. Hutcheson,	W. R. Stewart,
W. J. Cox,	Daniel James,	J. R. Summers,
J. S. Cullen,	W. W. Johnson,	J. R. Thomas,
J. M. Dawson, Jr.,	J. S. Joplin,	John M. Tinsley,
James R. Dean,	R. M. Kincheloe,	D. W. Tribble,
E. M. Dickson,	William Krieger,	N. S. Walton,
J. E. Durham,	Lewis Y. Leavell,	B. F. Willett,
McD. Ferguson,	C. W. Mathers,	John D. Woods—65.
John Finn,	John S. May,	

The following members were absent :

T. J. Arnett,	Berry Howard,	J. M. Quigley,
Posey D. Ball,	T. S. Kirk,	R. E. Roberts,
John Bartman,	Henry Kremer,	D. H. Severs,
John T. Bashaw,	John M. Letterle,	Waller Sharp,
B. T. Birkhead,	H. P. Lively,	Fenton Sims,
A. J. Carroll,	W. H. May,	Samuel O. Tate,
F. P. Combest,	M. D. McNerney,	Lewis E. Thomas,
Wesley Crow,	Harvey Myers,	J. H. Welch,
D. B. Edmiston,	J. P. O'Meara,	H. P. Whitaker,
Ben. F. Gardner,	John Lee Payne,	Geo. E. Willett,
J. P. Gay,	J. A. Perkins,	R. B. Wilson—35.
R. K. Hart,	Granville Philpot,	

The Journal of yesterday's proceedings was approved.

Mr. Hay, from the Committee on Education, reported S. B. 231, entitled

An act concerning the State Normal School for Colored Persons.

Said bill was read the first time at length, and ordered to be printed, and read the second time on another day.

A message was received from the Governor, announcing that he had approved and signed bills, which originated in the House, of the following titles, viz :

H. B. 456. An act relating to State penitentiaries.

H. B. 492. An act to repeal an act, entitled "An act to amend

the charter of the Covington and DeCoursey Creek Turnpike Road Company," approved February 28, 1865.

The House took from the orders of the day bills of the following titles, viz:

S. B. 204. An act in relation to the Library of the Commonwealth and the Librarian thereof, and entitled "Library."

Said bill was read the second time.

H. B. 512. An act authorizing cities of the second class in the Commonwealth of Kentucky to issue refunding bonds,

And the amendments proposed thereto by the Committee on Judiciary.

Said bill and proposed amendments read as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The cities of the second class in the Commonwealth of Kentucky, viz: Covington, Lexington and Newport, are hereby authorized and empowered to issue refunding bonds for the purpose of refunding any bonded debt which may hereafter mature in whole or in part.

§ 2. Said bonds shall be issued under the signature of the mayor, the counter-signature of the city treasurer, and the seal of the city, serially numbered, and in such form and denominations, and for such time or times, as the general council or common council in said cities shall prescribe by ordinance. Said bonds shall bear not exceeding six per cent. per annum interest, payable semi-annually, and shall have interest coupons attached, and shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively for the refunding of such bonded debt, and for no other purpose whatsoever.

§ 4. Upon the issuance of said bonds, each of said cities shall annually carry to the sinking fund of the said city an amount sufficient to pay the annual interest on said bonds, and create a fund for their purchase from time to time; and whenever there is a sufficient sum in the sinking fund over and above the amount required for the payment of said interest, it shall be used in the purchase of so many of said bonds as practicable.

§ 5. This being a case of emergency, in the fact that cities of the second class in the Commonwealth of Kentucky have bonded debts about to mature without any provision of law to refund same, this act shall take effect from and after its passage and approval by the Governor.

The amendments proposed to said bill by Committee on Judiciary are as follows:

Amend section 3, by adding after the word "and," in line four, the words "to run," and by adding after the word "times," in same line, the words, "and to mature and be redeemable."

Amend section 3, by adding after the word "interest," in line six, the following words: "As the general or common council may direct."

Said amendments were agreed to.

Ordered, That said bill be engrossed and read the third time.

Said bill being engrossed, was read the third time at length, and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative. were—

Mr. Speaker (Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Wm. Garrison,	J. P. O'Meara,
W. S. Bailey,	J. P. Gay,	W. F. Peak,
R. F. Bass,	S. M. Gough,	Thos. S. Pettit,
W. P. Beard,	Geo. T. Halbert,	J. F. Porter,
John Botts,	Thos. H. Hanks,	A. T. Pullen,
P. S. Bruner,	H. K. Hay,	C. D. Reed,
Polk Cansler,	P. R. Hays,	John Ryan,
B. E. Caudill,	W. J. Hissem,	S. H. Shouse,
A. H. Charlton,	F. W. Hutcheson,	Fenton Sims,
R. F. Comer,	Daniel James,	C. C. Spalding,
L. J. Cox,	W. W. Johnson,	W. W. Stephenson,
W. J. Cox,	J. S. Joplin,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	J. R. Summers,
James R. Dean,	William Krieger,	John M. Tinsley,
E. M. Dickson,	Lewis Y. Leavell,	D. W. Tribble,
J. E. Durham,	C. W. Mathers,	N. S. Walton,
McD. Ferguson,	John S. May,	B. F. Willett,
John Finn,	Hiram McElroy,	John D. Woods—59.
George Will. Follis,	W. F. Neat,	

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Also S. Resolution 57. Resolution declaring an emergency for the passage of Senate bill No. 198.

Ordered, That said resolution be read the third time.

Said resolution was read the third time as follows, viz:

WHEREAS, The Constitution of Kentucky requires that at the general election in the year one thousand eight hundred and ninety-three, one Senator shall be elected in each Senatorial District, and one Representative in each Representative District of

the State ; and whereas, doubts exist as to whether said Senators and Representatives should be elected from the districts as they now are, or from the districts as provided for in Senate Bill No. 198 ; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky: That an emergency is hereby declared to exist, and said Senate Bill No. 198, entitled "An act to divide the State into one hundred Representative Districts," shall take effect when approved by the Governor.

The yeas and nays being taken on concurring in said resolution as required by the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	John Finn,	Lewis Y. Leavell,
W. W. Ayres,	George Will. Follis,	C. W. Mathers,
W. P. Beard,	J. M. Frazee,	Eli Nicholls,
B. F. Bennett,	J. P. Gay,	J. P. O'Meara,
John Botts,	J. C. Glenn,	W. F. Peak,
P. S. Bruner,	S. M. Gough,	J. F. Porter,
B. E. Caudill,	Thos. H. Hanks,	C. D. Reed,
R. F. Comer,	U. G. Harlow,	S. H. Shouse,
W. J. Cox,	H. K. Hay,	Fenton Sims,
J. S. Cullen,	P. R. Hays,	W. R. Stewart,
J. M. Dawson, Jr.,	F. W. Hutcheson,	J. R. Summers,
James R. Dean,	Daniel James,	J. R. Thomas,
E. M. Dickson,	W. W. Johnson,	D. W. Tribble,
J. E. Durham,	R. M. Kincheloe,	B. F. Willett—43.
McD. Ferguson,		

Those who voted in the negative, were—

W. S. Bailey,	W. J. Hissem,	E. M. Pryse,
R. F. Bass,	J. S. Joplin,	John Ryan,
A. H. Charlton,	Henry Kremer,	C. C. Spalding,
L. J. Cox,	William Krieger,	W. W. Stephenson,
Wm. Garrison,	John S. May,	Lewis E. Thomas,
R. K. Hart,	W. F. Neat,	John M. Tinsley,
B. B. Hensley,	Thos. S. Pettit,	John D. Woods—21..

And so said resolution was disagreed to.

Mr. Charlton moved that the House do now resolve itself into the Committee of the Whole House to further consider

H. B. 388. A bill concerning roads and passways.

Said motion was agreed to.

The Speaker designated Mr. Hanks as Chairman of said committee.

After a time Mr. Hanks, from the Committee of the Whole House, reported said bill to the House with an amendment by way of substitute for same, and asked to be discharged from further consideration of same.

Which was ordered.

Ordered, That said bill be placed in the orders of the day, and that said substitute be printed.

And then the House adjourned.

SATURDAY, MAY 6, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayney, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. (Speaker Moore),	Geo. Will. Follis,	Eli Nicholls,
Lewis Alexander, Sr.,	J. C. Glenn,	J. P. O'Meara,
W. W. Ayres,	S. M. Gough,	W. F. Peak,
W. S. Bailey,	Geo. T. Halbert,	Thos. S. Pettit,
W. P. Beard,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
Polk Cansler,	A. L. Harned,	C. D. Reed,
B. E. Caudill,	H. K. Hay,	S. H. Shouse,
R. F. Comer,	P. R. Hays,	C. C. Spalding,
L. J. Cox,	W. J. Hissem,	W. W. Stephenson,
W. J. Cox,	F. W. Hutcheson,	W. R. Stewart,
J. M. Dawson, Jr.,	Daniel James,	J. R. Summers,
James R. Dean,	R. M. Kincheloe,	Lewis E. Thomas,
E. M. Dickson,	Lewis Y. Leavell,	J. R. Thomas,
J. E. Durham,	John S. May,	John M. Tinsley,
McD. Ferguson,	Hiram McElroy,	John D. Woods—50.
John Finn,	W. F. Neat,	

The following members were absent :

T. J. Arnett,	J. P. Gay,	Granville Philpot,
Posey D. Ball,	R. K. Hart,	E. M. Pryse,
John Bartman,	B. B. Hensley,	I. M. Quigley,

John T. Bashaw,	Berry Howard,	R. E. Roberts,
R. F. Bass,	W. W. Johnson,	John Ryan,
B. F. Bennett,	J. S. Joplin,	D. H. Severs,
John Botts,	T. S. Kirk,	Waller Sharp,
P. S. Bruner,	Henry Kremer,	Fenton Sims,
A. J. Carroll,	William Krieger,	Samuel O. Tate,
A. H. Charlton,	John M. Letterle,	D. W. Tribble,
F. P. Combest,	H. P. Lively,	N. S. Walton,
Wesley Crow,	C. W. Mathers,	J. H. Welch,
J. S. Cullen,	W. H. May,	H. P. Whitaker,
D. B. Edmiston,	M. D. McInerney,	B. F. Willett,
J. M. Frazee,	Harvey Myers,	Geo. E. Willett,
Wm. Garrison,	John Lee Payne,	R. B. Wilson—50.
Ben. F. Gardner,	J. A. Perkins,	

The Journal of yesterday was approved.

A message was received from the Senate announcing that they had passed bills, which originated in the House, of the following titles, viz :

H. B. 480. An act to protect the fish in the waters of this State.

H. B. 510. An act to amend an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity ; to create a sinking fund for that purpose ; to provide for commissioners of the sinking fund and collectors of taxes levied, and to prescribe the duties and powers of said officers.' "

That they had adopted Conference Committee reports on, and passed bills of the following titles, viz :

S. B. 126. An act concerning juries, and entitled " Juries."

S. B. 182. An act relating to husband and wife, and entitled " Husband and Wife."

H. B. 372. An act to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor November 11, 1892.

That they had passed S. B. 239, entitled

An act to regulate the sale of poisons in this Commonwealth.

Ordered, That the last-named bill be referred to the Committee on Public Health.

Mr. Peak called from the Clerk's desk S. B. 126, entitled An act concerning juries, and entitled " Juries."

Mr. Peak submitted the following report of the Committee

of Conference appointed to take into consideration the differences of the two Houses as to said bill and amendments, viz :

To the Senate and House of Representatives :

Your Committee of Conference, appointed to take into consideration the matters of disagreement between the two Houses in relation to Senate Bill No. 126, entitled "An act concerning juries and entitled 'Juries,'" beg leave to submit the following report :

1. That the House recede from its amendment No. 1. In lieu thereof your committee recommend that the words "fifteen hundred," in line 39 of section 1, be stricken out, and the words "two thousand" be inserted therefor.

2. That the House recede from its amendments Nos. 2, 4 and 7.

3. That the Senate concur in House amendments Nos. 3, 5 and 6.

4. An error has been made in numbering the sections of the bill. Your committee recommend that the sections be renumbered properly and in consecutive order. Amendment No. 2 is to section 11 of the bill instead of section 12.

Respectfully submitted,

Senate Committee.

J. S. WORTHAM, *Ch'n*,

W. H. JONES.

House Committee.

W. F. PEAK, *Ch'n*,

B. T. BIRKHEAD,

DANIEL JAMES.

Said amendments were adopted.

Said bill, as amended, was passed.

[*See Bill in House Journal April —, 1893.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	George Will. Follis,	J. P. O'Meara,
Lewis Alexander, Sr.,	J. C. Glenn,	W. F. Peak,
W. W. Ayres,	S. M. Gough,	Thos. S. Pettit,
W. S. Bailey,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	A. T. Pullen,
B. T. Birkhead,	A. L. Harned,	C. D. Reed,

Polk Cansler,	H. K. Hay,	S. H. Shouse,
B. E. Caudill,	P. R. Hays,	Fenton Sims.
R. F. Comer,	W. J. Hissem,	C. C. Spalding,
L. J. Cox,	F. W. Hutcheson,	W. W. Stephenson,
W. J. Cox,	Daniel James,	W. R. Stewart,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
James R. Dean,	Lewis Y. Leavell,	Lewis E. Thomas,
E. M. Dickson,	John S. May,	J. R. Thomas,
J. E. Durham,	Hiram McElroy,	John M. Tinsley,
McD. Ferguson,	W. F. Neat,	B. F. Willett,
John Finn,	Eli Nicholls,	John D. Woods—51.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Stewart, from the Committee on Public Health, reported H. B. 530, entitled

A bill to amend an act, entitled "An act concerning the State Board of Health," approved April 20, 1893.

Said bill was read the first time, ordered to be printed, and read the second time upon some other day, and recommitted to the Committee on Judiciary.

Mr. Hissem entered a motion to reconsider the vote by which the House rejected S. Resolution 57, entitled

Resolution declaring an emergency for the passage of S. B. 198.

Mr. Stephenson, from the Committee on Codes of Practice, reported H. Resolution 97, entitled

Resolution authorizing the State Librarian to furnish a set of Reports, Statutes, Digest and Codes to the United States Circuit Court of Appeals.

Said resolution was read the first time, ordered printed, ordered to be read the second time on some other day, and recommitted to the Committee on Codes of Practice.

Mr. Sims, from the Committee on General Statutes, reported H. B. 527, entitled

A bill to prohibit persons from leading or conveying bears along the public highways of this Commonwealth, except caged and hid from public view.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Spalding introduced H. B. 532, entitled

A bill to amend an act, entitled "An act to amend an act and reduce into one the several acts in regard to the city of Lebanon," approved March 3, 1884. Referred to the Committee on Judiciary.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the Senate, of the following titles, viz :

S. B. 74. An act in relation to charitable uses and religious societies ;

S. B. 214. An act concerning office and offices ;

S. B. 219. An act concerning the General Assembly ;

S. B. 232. An act creating and establishing the office of trustee of the jury fund, and prescribing the duties and powers pertaining thereto ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time said Enrolling Clerk reported that he had performed that duty.

And then the House adjourned.

MONDAY, MAY 8, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	George Will. Follis,	Hiram McElroy,
Lewis Alexander, Sr.,	J. C. Glenn,	W. F. Neat,
W. W. Ayres,	S. M. Gough,	Eli Nicholls,
John T. Bashaw,	Geo. T. Halbert,	J. P. O'Meara,
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
Polk Cansler,	H. K. Hay,	C. D. Reed,
B. E. Caudill,	P. R. Hays,	C. C. Spalding,
R. F. Comer,	W. J. Hissem,	W. R. Stewart,
L. J. Cox,	F. W. Hutcheson,	J. R. Summers,
W. J. Cox,	Daniel James,	Lewis E. Thomas,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Thomas,
James R. Dean,	Henry Kremer,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	B. F. Willett,
McD. Ferguson,	John S. May,	John D. Woods—49.
John Finn,		

The following members were absent, viz :

T. J. Arnett,	J. P. Gay,	Granville Philpot,
W. S. Bailey,	R. K. Hart,	E. M. Pryse,
Posey D. Ball,	B. B. Hensley,	I. M. Quigley,
John Bartman,	Berry Howard,	R. E. Roberts,
B. F. Bennett,	W. W. Johnson,	John Ryan,
John Botts,	J. S. Joplin,	D. H. Severs,
P. S. Bruner,	T. S. Kirk,	Waller Sharp,
A. J. Carroll,	William Krieger,	S. H. Shouse,
A. H. Charlton,	John M. Letterle,	Fenton Sims,
F. P. Combest,	H. P. Lively,	W. W. Stephenson,
Wesley Crow,	C. W. Mathers,	Samuel O. Tate,
J. S. Cullen,	W. H. May,	D. W. Tribble,
E. M. Dickson,	M. D. McInerney,	N. S. Walton,
D. B. Edmiston,	Harvey Myers,	J. H. Welch,
J. M. Frazee,	John Lee Payne,	H. P. Whitaker,
Wm. Garrison,	W. F. Peak,	Geo. E. Willett,
Ben. F. Gardner,	J. A. Perkins,	R. B. Wilson—51.

There not being a quorum present, Mr. Sims moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Sims and O'Meara, were as follows, viz :

Those who voted in the affirmative, were—

John S. May, W. F. Neat—2.

Those who voted in the negative, were—

Mr. Speaker (Moore),	George Will. Follis,	Hiram McElroy
Lewis Alexander, Sr.,	J. P. Gay,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	J. P. O'Meara,
John T. Bashaw,	S. M. Gough,	Thos. S. Pettit,
R. F. Bass,	Geo. T. Halbert,	J. F. Porter,
W. P. Beard,	Thos. H. Hanks,	A. T. Pullen,
B. T. Birkhead,	U. G. Harlow,	C. D. Reed,
Polk Cansler,	A. L. Harned,	Fenton Sims,
B. E. Caudill,	H. K. Hay,	C. C. Spalding,
R. F. Comer,	P. R. Hays,	W. R. Stewart,
L. J. Cox,	W. J. Hissem,	J. R. Summers,
W. J. Cox,	F. W. Hutcheson,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Daniel James,	J. R. Thomas,
James R. Dean,	R. M. Kincheloe,	John M. Tinsley,
J. E. Durham,	Henry Kremer,	B. F. Willett,
McD. Ferguson,	Lewis Y. Leavell,	John D. Woods—49.
John Finn,		

Which showed the presence of a quorum.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 373. An act to regulate the running at large of stock ;

H. B. 404. An act to amend an act, entitled "An act to fix the per diem of the employes of this General Assembly," approved January 5, 1893 ;

H. B. 486. An act to regulate the liability of insurance companies that take life or accident risks on live stock in this Commonwealth ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that

said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. Woods offered the following resolution by way of amendment to the rules :

Resolved by the House, That the rules be so amended so that the hour of meeting on all legislative days, beginning on Thursday, May 11, 1893, except Monday, shall be at 9:30 A. M., and the hour of adjournment at 1 P. M., and on Mondays at 10:30 A. M., and the hour of adjournment at 1:30 P. M.

Ordered, That said resolution lie over under the rules.

Mr. O'Meara introduced the following bill :

H. B. 533. A bill to authorize Hardin county to dispose of the surplus money now on hand arising from its subscription to the stock of the Louisville and Nashville Railroad Company, and declaring an emergency.

Which was referred to the Committee on General Statutes.

Mr. J. R. Thomas, from the Committee on Legislative Districts, reported S. B. 224, entitled

An act dividing the State into thirty-eight Senatorial Districts,

Together with the substitute heretofore offered thereto by Mr. Halbert.

Said committee offered sundry amendments to said bill.

Said bill was read the second time.

Mr. J. R. Thomas, from same committee, reported H. B. 523, entitled

A bill dividing the State into thirty-eight Senatorial Districts,
With the expression of opinion that said bill ought not to
pass.

Said bill was read the first time at length, and the House refused to order said bill to its second reading.

And so said bill was rejected.

Mr. Tinsley, from the Committee on Municipalities, reported
S. B. 225, entitled

An act for the government of cities of the fifth class,
With an amendment thereto.

Said bill was read the second time by its title,

The constitutional provision as to the second reading of said
bill the second time at length being dispensed with.

Said bill reads as follows :

ARTICLE I. CLASSIFICATION OF.

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the cities of this Commonwealth which have been assigned to the fifth class by law, shall so remain until they, or either of them, become members of another class, as hereinafter provided.

§ 2. When the population of any city in this class, as ascertained by the last Federal census or by a census taken pursuant to an ordinance of said city, authorizes it to be placed in a class other than that in which it is, the council of such city may enact an ordinance setting forth the population of the city, and how ascertained, the class it is then in, and the class which it is entitled to be in, and may file a petition in the circuit court clerk's office of the county, declaring the facts with reference to its population and the class it desires to become a member of, and such other facts as may be thought proper, and shall file with such petition a copy of the ordinance, and shall cause notice of the filing of such petition and the object thereof to be published in at least six issues of a daily or two issues of a weekly paper, of general circulation, published in the city, or in the county if none be published in the city ; or if no paper be published in the city or county, by notices posted up for at least ten days, at four public places in said city.

§ 3. On the second day of the next regular term of court, the court shall, if the proper notice has been given or publication made, and no defense is interposed, enter a judgment assigning such city to the class to which it belongs, as appears from the petition and exhibits, and thereafter such city shall be governed by and under the general laws relating to the class to which it has been assigned ; but the transfer from one class to another

shall not in anywise impair or affect any ordinance or by-law theretofore enacted by such city, unless the same is in conflict with the general laws relating to towns of the class to which it has been assigned, and to such extent only shall any ordinance or by-law be repealed by the transfer, nor shall the powers, rights, duties or obligations of the city, or any officer or employe thereof, or any debtor or creditor of the city, be in anywise affected by the transfer. Defense may be made to the petition by any inhabitant of the town or city, and if defense is made, the court shall hear and determine the same, and render a judgment transferring or refusing to transfer the city or town to another class, as may seem proper. The pleadings and practice shall be the same as in equity cases, except as herein provided; but if the court shall be satisfied that the population of the city entitles it to be transferred to another class it shall so adjudge, if the proper notice or publication has been made; and no appeal shall lie from the judgment.

ARTICLE II. BOUNDARIES.

§ 4. The boundaries of said cities shall, until changed, as herein provided, remain as now established by law.

§ 5. Whenever it is deemed desirable to annex any territory to any city of this class, or to reduce the boundaries thereof, the city council thereof may enact an ordinance defining accurately the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least ten issues of the daily paper published in, and having the largest circulation in, the city; or if there be no daily paper published in the city, then in at least four issues of a weekly paper published in, and having the largest circulation in, the city; or if there be no daily or weekly paper published in the city, then by posting copies of the ordinance for at least ten days in four of the most public places in the city. In not less than thirty days after the enactment of such ordinance, if the publication or notice, as herein provided, has been made or given, and no petition is filed in the circuit court, as provided in the next section, the city council may, by ordinance, annex to the city the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordinance, such territory shall become a part of such city, or shall be stricken therefrom.

§ 6. Within thirty days after the enactment of an ordinance proposing to annex territory to any city, or to reduce the limits thereof, one or more residents or freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, setting forth the reasons why such territory or any part thereof should not be annexed, or why the limits should not be reduced. Summons shall issue thereon and be executed upon the mayor, or if he is absent, upon the mem-

bers of the council, and the answer of the city shall be filed within twenty days after the service of summons. The case shall be tried according to the rules and practice prescribed for the trial of equity causes, but without the intervention of a jury. If the court be satisfied, upon the hearing, that less than seventy-five per cent. of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory to the city will be for its interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, it shall so find, and said annexation or reduction shall be approved and become final. If the court shall be satisfied that seventy-five per cent. or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, then such annexation or reduction shall not take place, unless the court shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such city and of the owners and inhabitants of the territory sought to be annexed or stricken off. In case the court shall so find, the annexation or reduction shall take place, notwithstanding the remonstrance. There shall be no appeal from the judgment of the court, and there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court be adverse to the annexation or reduction, no further effort to annex or strike off such territory shall be made within two years after the rendition of such judgment.

§ 7. The judgment shall, when entered, be certified to the city council, who may thereupon annex to or strike from the city the territory described in the judgment, and such territory shall become or cease to become, as the case may be, a part of the city.

§ 8. If any city be annexed to another, the city so annexing the territory of another shall be bound for all debts and liabilities, and shall be the owner of all the corporate property, franchises and rights of such municipal corporation.

ARTICLE III. INCORPORATION OF.

§ 9. All cities of the fifth class shall be, and the same are hereby declared to be, corporations by the respective names they now have; they shall have perpetual succession; may sue and be sued; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold and enjoy real and personal property, and control and dispose of the same for the common benefit.

ARTICLE IV. PROVISIONS RELATING TO OFFICERS.

§ 10. The government of said cities shall be vested in a mayor and a city council, to consist of six members; a police judge, a treasurer, a city attorney, a clerk, a marshal, an assessor, and such subordinate officers as are hereafter provided for.

§ 11. The mayor shall be the chief executive officer, and, in addition to the powers herein granted, he shall have general supervision over the affairs of the city, and see that the ordinances of the same are strictly enforced, and shall preside at all meetings of the city council, and in case of a tie vote shall have and cast the deciding vote.

§ 12. The members of the city council and mayor and police judge shall be elected by the qualified voters of said city at a general municipal election to be held therein on the Tuesday after the first Monday in November in 1893, and thereafter as their respective terms expire, and at the general election next preceding the expiration of their terms; the mayor and police judge to hold office four years, and the members of the city council two years, from the first Monday in January following their election: *Provided*, That the terms of police judges elected at the November election, 1893, shall begin on the first day of September, 1894, and continue until the November election, 1897, and until their successors are elected and qualified. The marshal, assessor, treasurer, clerk and city attorney shall be appointed for a term of two years by the city council, but may be removed at the pleasure of the city council. The city council may appoint a pound-master, a superintendent of streets, a city engineer, a chief of fire department, city weigher and city physician, for a term of two years, but either may be removed at the pleasure of the council.

§ 13. The clerk, treasurer, and marshal shall, respectively, before entering upon the duties of their respective offices, execute a bond to such city in such penal sum as the city council, by ordinance, may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter *ex officio* incumbent. Such bonds shall be approved by the city council. All bonds, when approved, shall be filed with the clerk, except the bond of the clerk, which shall be filed with the mayor. All the provisions of any law of this State relating to official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take the constitutional oath of office.

§ 14. Any vacancies occurring in any of the offices provided for in this chapter shall be filled by appointment of the city council.

§ 15. The members of the city council may receive such compensation as shall be fixed by ordinance, not exceeding two dollars for each regular meeting attended by them, and the mayor such compensation as may be fixed by ordinance, not exceeding seventy-five dollars per annum. The clerk, treasurer, assessor, marshal and city attorney shall severally receive, at stated times, a compensation, to be fixed by ordinance by the city council, which compensation shall be changed after their appointment or during their several terms of office. Nothing

herein contained shall be construed to prevent the city council from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer or after his election. The compensation of all other officers shall be fixed from time to time by the city council.

§ 16. No person shall be entitled to vote at a municipal election unless he shall have paid his city tax.

§ 17. No person shall be eligible to hold any office in such city, whether filled by election or appointment, unless he is a resident and elector therein, and shall have resided in such city for one year next preceding the date of such election or appointment, and no person shall be eligible to hold the office of mayor or councilman unless he is a property-holder in said city.

§ 18. The city council shall meet on the first Monday in January next succeeding such general municipal elections, and the members thereof shall take the oath of office, and shall hold regular meetings once in each month, at such time as they shall fix by ordinance. Special meetings may be called at any time by the mayor or by three members, by written notice delivered at least three hours before the time specified for the proposed meeting. All meetings of the city council shall be held within the limits of the city, at such place as may be designated by ordinance, and shall be public.

§ 19. At any meeting of the city council a majority of the members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council, and may vote in case of a tie vote of the council, and, in case of the absence of the clerk, the mayor or mayor *pro tem.* shall appoint one of the members of the board clerk *pro tem.*

§ 20. The city council shall judge of the qualifications and election of its members. They shall establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and, at the desire of any member, shall cause the ayes and noes to be taken on any question and entered on the journal.

§ 21. No ordinance, and no resolution, granting any franchise for any purpose, shall be passed by the city council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting. No resolution or order for the payment of money shall be passed at any other time than a regular meeting. And no ordinance, resolution or order shall have any validity or effect unless passed by the votes of at least three members of the city council.

§ 22. The city council of such city shall have power to pass ordinances not in conflict with the Constitution or laws of this State or of the United States; to contract for supplying the city

with water and lights ; to purchase, lease or receive such real estate and personal property as may be necessary and proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the city : *Provided*, That they shall not have power to sell or convey any portion of any water front, but may rent such water front for a term not exceeding twenty years, except the wharf privileges, which shall not be leased for more than five years.

1. To impose on and collect from every male inhabitant over the age of twenty-one an annual poll-tax, not exceeding one dollar and a half : *Provided*, That any member of a volunteer fire company in such city may be exempt from such tax.

2. To levy and collect annually an ad valorem tax, not exceeding seventy-five cents on each one hundred dollars of the assessed value of all real and personal property within such city, except as hereinafter provided : *Provided*, That at any time the city council shall deem it necessary to incur any indebtedness, the payment of which can not be met by the levy authorized by law, they shall give notice of an election by the qualified electors of the town, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of the indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as herein provided. Such notice shall be published for at least two weeks in some newspaper published in, or of general circulation in, such town ; or by posting written or printed notices at three or more public places in such town. If, upon a canvass of the votes cast at such election, it appears that two-thirds of all the qualified electors in such town shall have voted in favor of incurring such indebtedness, it shall be the duty of the city council to pass an ordinance providing for the creating of such indebtedness, and of paying the same ; and, in such ordinances, provisions shall be made for the levy and collection of an annual tax upon all real and personal property subject to taxation within such town, sufficient to pay the interest on such indebtedness as it falls due ; and also to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the city council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

3. To impose and collect license fees and taxes on stock used for breeding purposes, and on all franchises, trades, occupations and professions ; but the license for the sale of spirituous, vinous or malt liquors shall not be less than two hundred and

fifty nor more than one thousand dollars ; and no license shall be issued or granted in any city where the sale of such liquors are now forbidden by law, until such law be changed : *Provided*, That in any town of the fifth class, in which the question as to whether spirituous, vinous, or malt liquors might or should be sold, has been since September 1st, 1892, or shall hereafter be submitted to the voters thereof, and the majority of the votes cast thereat were or shall be in favor of the sale of such liquors therein, then the board of trustees of such town shall have no right, power or privilege or discretion to refuse to grant license to sell such liquors therein until another election is held therein, as provided by general laws, and a majority of the voters of said town have voted against the sale of such liquors ; may impose penalties for violations of the conditions of said license ; may provide for the annulment or suspension of the license privileges for violation of the conditions of terms of the license, or of the ordinances governing the same. No license to any person or for any business shall be granted for a longer time than one year. The issuing of the different licenses under this chapter shall be under the exclusive control of the city council, who may refuse to grant license, in its discretion.

4. To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance ; to fix the penalty by fine or imprisonment, or both ; but no such penalty or fine shall exceed one hundred dollars, nor the term of imprisonment exceed fifty days.

5. To cause persons imprisoned under final judgments in police courts, or in default of payment of fine and costs, or either, imposed by said court, to labor in work-house, on streets or other public works or property within the city until the imprisonment is satisfied or the fine and costs paid ; and to fix amount of such fine and costs that shall be paid by each day's labor.

6. To do and perform any and all acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce, within the limits of such city, all other local, police, sanitary and other regulations as do not conflict with general laws.

7. The city council shall have the power, by a vote of five members thereof, to take, use and occupy, for public buildings, real estate dedicated for the street, or any part of same : *Provided*, Same shall not be so taken and used for such public buildings until said city council shall have first obtained the written consent of the owners of the lands fronting and abutting upon said dedicated street ; and also the written consent of owners of land fronting and abutting upon said dedicated street within one square of that portion so taken. Said written consent shall be acknowledged and recorded in the same manner that deeds to real estate are required to be acknowledged and recorded.

8. That where the city owns a cemetery it shall be under the control and management of a board of council ; they shall fix

the price at which the lots shall be sold, and may execute deeds therefor; a receipt from the treasurer shall be complete evidence of title.

§ 23. The enacting clause of all ordinances shall be as follows: "The city council of the city of _____ do ordain as follows." Every ordinance shall be signed by the mayor, attested by the clerk, and published at least once in a newspaper published in such city, or written or printed, and posted in at least three public places therein, and shall be in force from and after the publication thereof.

§ 24. All demands against such city shall be presented to and audited by the city council, in accordance with such regulations as they may, by ordinance, prescribe; and upon the allowance of any such demand, the clerk shall draw a warrant upon the treasurer for the same; which warrant shall be countersigned by the mayor, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid.

§ 25. The city council shall not create, audit, allow or permit to accrue, any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes: *Provided*, That any city, during the first year of its existence under this chapter, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it in such year; nor shall any warrant be drawn or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided.

§ 26. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the Commonwealth of Kentucky for the use and benefit of such city, or may be redressed by civil action at the option of the said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail, or, if the city council, by ordinance, shall so prescribe, in the county jail of the county in which such city may be situated, in which case the expense of such imprisonment shall be paid by said city.

§ 27. The city council are hereby authorized and empowered to order any work they deem necessary to be done upon the side-walks, curbing, sewers, streets, avenues, highways and public places of such city. The cost and expense incurred in constructing or repairing streets, avenues, highways, sewers and public places shall be paid out of the general fund of the city. The expense incurred in making and repairing sidewalks and curbing shall be paid by the owners of lands fronting and abutting thereon, each lot or portion of a lot being separately assessed for the full value thereof, in proportion to the frontage thereof to the entire length of the whole improvement, not exceeding a square, sufficient to cover the total expense of the

work; but the owners of such property shall have the right to make such improvements, if they prefer doing so, instead of paying for same. Whenever any expense or cost of work shall have been assessed on any lands as herein provided, the amount of said expense shall become a lien upon said lands, which shall take precedence of all other liens, and which may be enforced by the contractor or city in accordance with the provisions of the Code of Practice.

§ 28. The city council shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State in reference to the assessment, levy and collection of State and county taxes, except as to the times for such assessment, levy and collection, and except as to the officers by whom such duties are to be performed. The lien for taxes may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens: *Provided*, That any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided, by law for the redemption of property sold for State or county taxes. All deeds made upon any sale of property for taxes under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of State or county taxes.

§ 29. The city council shall appoint three discreet property-owners, who shall meet on the first Monday of December of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify or strike out any assessments made by the assessor, and may, of their own motion, raise any assessment upon notice to the party whose assessment is to be raised. They shall receive two dollars per day for their services while so engaged. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which said tax is to be levied in said year.

§ 30. Nothing contained in this chapter shall be construed to prevent any city having an indebtedness existing prior to September 28, 1891, from levying and collecting such taxes for the payment of such indebtedness and the interest thereon as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected. Such city council shall

have the right to bond any indebtedness now existing for a period not exceeding five years. All moneys received from licenses, poll-tax, and from fines, penalties and forfeitures for violations of ordinances or by-laws, shall be paid into the general fund.

§ 31. In the erection, improvement and repair of all public buildings and works, in all street and sewer works, and in all work in and about streams, bays or water fronts or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance.

§ 32. The mayor shall preside over all meetings of the council at which he is present. In his absence a mayor *pro tem.* may be chosen. The mayor *pro tem.* shall sign all warrants drawn on the city treasurer, and shall sign all written contracts entered into by said city as such mayor or mayor *pro tem.* The authority and power of the mayor *pro tem.* shall continue only during the day on which he is chosen. The mayor shall have power to administer oaths and affirmations, and take affidavits and certify the same under his hand. The mayor or mayor *pro tem.* shall sign all conveyances made by said city, and all instruments which shall require the seal of the city. The mayor is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged.

§ 33. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as city treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay out said moneys on warrants signed by the clerk and countersigned by the mayor, and not otherwise. He shall make quarterly settlements with the city clerk, and when approved by the council, shall be spread at large upon the record.

§ 34. All property subject to taxation shall be assessed as of the fifteenth day of September of each year, and it shall be the duty of the assessor, between the fifteenth day of September and the fifteenth day of November of each year, to make out a true list of all the taxable property within the city. The mode of making out said list, and the proceedings relating thereto, shall be in conformity with laws now in force regulating county assessor, except as the same may be otherwise provided in this chapter or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by the county assessors. Said assessor shall verify his list by his oath, and shall deposit the same with the city clerk on or before the first Monday in December in each year. The assessor shall, during such time, make a list of all persons residing within the city, and shall

verify the said list by his oath, and shall, on or before the first Monday in December in each year, deposit the same with the city clerk. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duties.

§ 35. It shall be the duty of the city clerk to keep a true, full record of all the proceedings of the city council, and such other records as he may be required to keep, and to discharge such other duties as the city council may require. He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial affairs of the city, which shall be published. He shall perform such other services as this chapter and the ordinances of the city council shall require.

§ 36. It shall be the duty of the city attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city, and discharge such other duties as may be required.

§ 37. The department of police of said city shall be under the direction and control of the city marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the State, and shall, in all respects, be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen in said city, and every citizen shall also lend him aid when required for arrest of offenders and maintenance of public order. He shall, and is hereby authorized, to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the police court all breaches or violations of, or non-compliance with, any city ordinance which shall come to his knowledge. He shall collect all taxes placed in his hands by the city council for collection, except as herein provided. He shall, on the first Monday in each month, pay to the city treasurer all taxes and other funds of said city collected by him during the preceding month. He shall, upon payment of the money, file with the treasurer an affidavit stating that the money so paid is all the taxes or funds that he has collected or received during said month. He shall, upon receipt of any tax-list, give his receipt for the same to the city clerk, and shall, upon depositing with the city clerk the delinquent tax-list, take his receipt therefor. He shall receive from the clerk all city license, and collect the same. He shall have charge of the city prison and prisoners, and of any chain-gang which may be established by the city council. He shall, for service of any process, receive

the same fees as constable. He may appoint, subject to the approval of the city council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for service of process, which shall be the same as those allowed to the city marshal. He shall, also, with the concurrence of the mayor and the city council, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this chapter and the ordinances of the city council shall require.

§ 38. The city council shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers and fix their compensation.

§ 39. A police court is hereby established in such city to be held by the police judge of such city. Said police court shall have jurisdiction concurrent with the justices' courts of all actions and proceedings, civil and criminal, except that in criminal cases the jurisdiction shall be confined to cases occurring within the city, and shall always be open for trial of criminal and penal causes; and shall hold monthly terms of said court for the trial of civil cases, the terms to be fixed by the city council, and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of such city, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violations of any ordinance. The rules of practice and mode of proceedings in such police court shall be the same as are or may be prescribed by law for justices' courts, and appeals may be taken from all judgments of said police courts, in the time and manner, and where the amount in controversy authorizes appeals from justices' courts.

§ 40. The police judge shall be entitled to charge and receive for his services such fees as are or may be allowed by law to county judges for services rendered in the quarterly courts. The council shall, by ordinance, provide who shall act in the place of the police judge when he is absent, or when, from any cause, he can not preside, or when he is sworn off the bench.

§ 41. Every officer collecting or receiving any moneys belonging to, or for the use of, such city, shall settle for the same with the clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the clerk, for the benefit of the funds to which such moneys respectively belong.

§ 42. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or in doing any work or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation of work done, or supplies or materials furnished, in which any

such officer is interested, shall be void, and if audited and allowed, shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor and punished as such.

ARTICLE V. CONDEMNATION OF PROPERTY BY.

§ 43. Whenever property is needed for municipal purposes, and an ordinance is enacted so declaring, the proper authorities of the city or town may, if compensation therefor can not be agreed upon, proceed to condemn the same in the manner provided for the condemnation of land for railroad purposes.

ARTICLE VI. ELECTIONS.

§ 44. In all municipal elections the qualifications of voters, except when otherwise provided in this chapter, shall be the same as in State elections, and all elections and registration for same, when registration is required by the Constitution and laws made in pursuance thereof, shall be held under and as provided in the general election and registration laws of the State, except as provided in the succeeding section; and any violations of said laws at a municipal election shall be punished in the manner provided in cases of violations of the law when a State or county election is held.

§ 45. In cities and towns where registration is not required the ballots shall be deposited in a separate box. The ballots and boxes, in cases where separate boxes are required, shall be provided for, and all the expenses of a municipal election shall be paid, by the municipality, and contested elections in all cities for municipal officers shall be decided as may be provided by ordinance.

ARTICLE VII. REVENUE AND TAXATION.

§ 46. All real and personal estate within the city, and all personal estate of persons domiciled or actually residing in the city on the fifteenth day of September in the year in which the assessment shall be made, and of all corporations having their chief office or place of business in the city on said date, and the franchises of same, shall be subject to assessment and taxation for all local and municipal purposes, unless exempt from taxation by the Constitution, and the same shall be assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale. Any franchise granted in whole or in part by a city, and exercised within said city, may be taxed by said city, notwithstanding the corporation owning or exercising same may have its chief office or place of business elsewhere.

§ 47. The city shall have a lien for five years from the date of assessment on the property assessed, and all other property of each person or corporation, for all taxes due by them respectively to the city, which shall not be defeated by gift, devise, sale, alienation, or any means whatever, and nothing shall be exempt from levy and sale for taxes.

§ 48. For the purpose of taxation real estate shall include land and the improvements thereon, and personal estate shall include every other species and character of property, that which is tangible and that which is intangible.

ARTICLE VIII. CONCLUSION.

§ 49. All laws, ordinances, by-laws and resolutions now in force in said cities, and not inconsistent with this chapter, shall remain in full force until altered or repealed by ordinance.

§ 50. Whereas, municipal officers are to be elected under this act at the November election, 1893; and whereas, without an emergency clause said act may not be in force and effect at the time of said election, therefore an emergency is hereby declared to exist, and this act shall take effect from and after its approval by the Governor.

The amendment offered by the committee is as follows:

Add to section 28 the words: "All delinquent taxes, or any part of the delinquent taxes, may be sold by order of the city council, and the purchaser shall be entitled to the same lien and rights to enforce said lien as the city."

Said amendment was agreed to.

Mr. Cansler offered an amendment as follows:

Amend section 5 by striking out all after the word "in," in line six, down to and including the word "in" where it first appears in line seven; also strike out of line nine these words: "And having the largest circulation."

Said amendment was agreed to.

Mr. Will. J. Cox offered an amendment as follows:

Amend section 6 by striking out the words "residents or" in line three.

Said amendment was disagreed to.

Mr. Bashaw offered an amendment as follows:

Amend section 6 by adding after the word "absent," in line eight, the words "upon the clerk;" and strike out the words "the members of the council," and insert "or upon any member of the council in case of absence of the mayor or clerk."

Said amendment was disagreed to.

Mr. Sims offered an amendment as follows :

Amend section 6 by striking out all after the word "reduced," in line seven, down to and including the word "summons" in line ten.

Said amendment was agreed to.

Mr. Will J. Cox offered an amendment as follows :

In lines four and five of section 15 strike out the words "not exceeding seventy-five dollars per annum."

Said amendment was disagreed to.

Mr. O'Meara offered an amendment as follows :

Add to section 16 the following : "at least ten days before he offers to vote."

Said amendment was disagreed to.

Mr. Dawson offered an amendment as follows :

Amend section 22 by striking out "one thousand dollars," in line 53, and insert "five hundred dollars."

Said amendment was disagreed to.

Mr. Sims offered an amendment as follows :

Amend section 22 by striking out "two hundred and fifty," in line fifty-two, and inserting "one hundred."

Said amendment was disagreed to.

Mr. Tinsley offered an amendment as follows :

Add to subsection 3 of section 22, in line seventy-three, "except as herein provided."

Said amendment was agreed to.

Pending the consideration of said bill, and by order of the Speaker,

Mr. Tinsley, from the Committee on Municipalities, which had originated the same, reported H. B. 534, entitled

A bill for the government of cities of the first class.

Mr. Tinsley moved that to-day's session be extended until the reading of said bill be completed.

Said motion was agreed to.

Said bill was read the first time at length, ordered to be printed, and recommitted to said committee.

And then the House adjourned.

TUESDAY, MAY 9, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	George Will. Follis,	John S. May,
Lewis Alexander, Sr.,	J. M. Frazee,	Hiram McElroy,
W. W. Ayres,	J. C. Glenn,	W. F. Neat,
W. S. Bailey,	S. M. Gough,	Eli Nicholls,
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
Polk Cansler,	H. K. Hay,	C. D. Reed,
B. E. Caudill,	P. R. Hays,	S. H. Shouse,
R. F. Comer,	W. J. Hissem,	C. C. Spalding,
L. J. Cox,	F. W. Hutcheson,	W. W. Stephenson,
Will J. Cox,	Daniel James,	W. R. Stewart,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
James R. Dean,	Henry Kremer,	Lewis E. Thomas,
E. M. Dickson,	Lewis Y. Leavell,	J. R. Thomas,
J. E. Durham,	H. P. Lively,	John M. Tinsley,
McD. Ferguson,	C. W. Mathers,	N. S. Walton,
John Finn,	W. H. May,	John D. Woods—54.

The following members were absent, viz:

T. J. Arnett,	Geo. T. Halbert,	Granville Philpot,
Posey D. Ball,	R. K. Hart,	E. M. Pryse,
John Bartman,	B. B. Hensley,	I. M. Quigley,
John T. Bashaw,	Berry Howard,	R. E. Roberts,
B. F. Bennett,	W. W. Johnson,	John Ryan,
John Botts,	J. S. Joplin,	D. H. Severs,
P. S. Bruner,	T. S. Kirk,	Waller Sharp,
A. J. Carroll,	William Krieger,	Fenton Sims,
A. H. Charlton,	John M. Letterle,	Samuel O. Tate,
F. P. Combest,	M. D. McInerney,	D. W. Tribble,
Wesley Crow,	Harvey Myers,	J. H. Welch,
J. S. Cullen,	J. P. O'Meara,	H. P. Whitaker,
D. B. Edmiston,	John Lee Payne,	B. F. Willett,
Wm. Garrison,	W. F. Peak,	Geo. E. Willett,
Ben. F. Gardner,	J. A. Perkins,	R. B. Wilson—46.
J. P. Gay,		

The Journal of yesterday was approved.

Mr. Sims introduced H. Resolution 103, entitled

Resolution to provide for collating, compiling, classifying, arranging and indexing the general statutory law of this Commonwealth.

Referred to the Committee on Rules.

Mr. L. E. Thomas moved the adoption of the following resolution, viz :

Resolved, That the Public Printer be, and he is hereby, directed to print and deliver to the members of this House one thousand copies of the charter for the sixth class towns.

Mr. Woods moved to refer said resolution to the Committee on Judiciary.

Said motion was adopted.

Mr. Shouse, from the Committee on Agriculture and Manufactures, reported H. B. 502, entitled

A bill to authorize the county courts to maintain abandoned turnpike roads in this Commonwealth.

Said bill was read the first time.

Mr. Shouse moved to recommit said bill to the Committee on Judiciary.

Said motion was adopted.

Mr. Woods, from the Committee on Rules, reported S. Resolution 55, entitled

Resolution providing for a *sine die* adjournment of the General Assembly on the 11th day of May, 1893,

With an amendment proposed thereto by the committee.

Mr. Pettit moved an amendment to said resolution.

Mr. Kremer moved to recommit said resolution to the Committee on Rules.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Spalding and Shouse, were as follows, viz :

Those who voted in the affirmative, were—

John T. Bashaw,	J. C. Glenn,	W. H. May,
R. F. Bass,	S. M. Gough,	John S. May,
W. P. Beard,	U. G. Harlow,	Thos. S. Pettit,
B. T. Birkhead,	P. R. Hays,	A. T. Pullen,
B. E. Caudill,	W. J. Hissem,	I. M. Quigley,

J. M. Dawson, Jr.,	F. W. Hutcheson,	C. D. Reed,
James R. Dean,	R. M. Kincheloe,	W. R. Stewart,
J. E. Durham,	Henry Kremer,	J. R. Summers,
McD. Ferguson,	John M. Letterle,	John M. Tinsley,
John Finn,	H. P. Lively,	D. W. Tribble,
Ben. F. Gardner,	C. W. Mathers,	B. F. Willett—33.

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. M. Frazee,	J. P. O'Meara,
Lewis Alexander, Sr.,	Thos. H. Hanks,	J. F. Porter,
W. W. Ayres,	A. L. Harned,	S. H. Shouse,
W. S. Bailey,	H. K. Hay,	Fenton Sims,
John Botts,	Daniel James,	C. C. Spalding,
Polk Cansler,	Lewis Y. Leavell,	W. W. Stephenson,
R. F. Comer,	Hiram McElroy,	J. R. Thomas,
L. J. Cox,	W. F. Neat,	N. S. Walton,
W. J. Cox,	Eli Nicholls,	John D. Woods—28.
E. M. Dickson,		

The House took from the orders of the day H. B. 392, entitled

A bill to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor November 11, 1892,

Together with the report of the Conference Committee thereon.

Mr. Birkhead moved to postpone the further consideration of said bill until Tuesday, May 16, 1893, and that the same be made a special order for that day.

Said motion was adopted.

Mr. Gardner, from the Committee on Circuit Courts, reported S. B. 206, entitled

An act providing for the appointment of clerks for grand juries in certain cases.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

A message was received from the Governor, announcing that he had approved and signed H. B. 467, entitled

An act to provide for the effective management and administration of the Agricultural and Mechanical College of Kentucky.

The House took up for consideration the unfinished business of yesterday, viz:

S. B. 225. An act for the government of cities of the fifth class.

Mr. Sims moved to amend said bill by striking out section 16, which reads :

No person shall be entitled to vote at a municipal election unless he shall have paid his city taxes.

Said amendment was adopted.

The yeas and nays being required thereon by Messrs. Sims and Ferguson, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	John Finn,	John S. May,
W. P. Beard,	J. C. Glenn,	M. D. McInerney,
B. T. Birkhead,	U. G. Harlow,	W. F. Neat,
Polk Cansler,	W. J. Hissem,	J. F. Porter,
B. E. Caudill,	F. W. Hutcheson,	A. T. Pullen,
R. F. Comer,	Daniel James,	Fenton Sims,
L. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
W. J. Cox,	Henry Kremer,	J. R. Summers,
James R. Dean,	John M. Letterle,	J. R. Thomas,
J. E. Durham,	H. P. Lively,	John M. Tinsley—31.
McD. Ferguson,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	S. M. Gough,	C. D. Reed,
Lewis Alexander, Sr.,	Thos. H. Hanks,	Waller Sharp,
John T. Bashaw,	A. L. Harned,	S. H. Shouse,
R. F. Bass,	H. K. Hay,	C. C. Spalding,
John Botts,	P. R. Hays,	W. W. Stephenson,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	Lewis E. Thomas,
E. M. Dickson,	C. W. Mathers,	D. W. Tribble,
George Will. Follis,	W. H. May,	N. S. Walton,
J. M. Frazee,	Hiram McElroy,	B. F. Willett,
J. P. Gay,	J. P. O'Meara,	John D. Woods—30.

Mr. Beard entered a motion to reconsider the vote by which said amendment was adopted.

Mr. Sims moved to amend section 17 by striking out the last two lines of said section, which read as follows :

And no person shall be eligible to hold the office of mayor or councilman unless he is a property-holder in said city.

Said amendment was rejected.

Mr. Tinsley moved to amend said section by striking out of the last line the word "property" and insert the word "free."

Said amendment was rejected.

Mr. Sims moved to amend section 22 of said bill by adding thereto these words:

Provided The board of council shall not assess or charge claimants or occupants for lots whose dead have been buried in the lot claimed for five years or more.

Said amendment was adopted.

Mr. Sims moved to amend section 46 of said bill by striking out all of line one, after the word "city," and all of line two, and inserting in lieu thereof these words: "And all choses in action, securities and other intangible personal property of persons actually residing in the city."

Said amendment was adopted.

Mr. Frazee moved that when this House adjourns to-day, it be to meet on Thursday at 10 o'clock, A. M.

Said motion was rejected.

The yeas and nays being required thereon by Messrs. J. R. Thomas and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

John T. Bashaw,	W. J. Hissem,	M. D. McInerney,
Polk Cansler,	John M. Letterle,	J. P. O'Meara,
John Finn,	W. H. May,	A. T. Pullen,
J. M. Frazee,	John S. May,	John M. Tinsley—12.

Those who voted in the negative, were—

Mr. Speaker (Moore),	McD. Ferguson,	Hiram McElroy,
Lewis Alexander, Sr.,	George Will Follis,	W. F. Neat,
W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
R. F. Bass,	S. M. Gough,	C. D. Reed,
W. P. Beard,	Thos. H. Hanks,	S. H. Shouse,
B. T. Birkhead,	U. G. Harlow,	Fenton Sims,
R. F. Comer,	A. L. Harned,	W. W. Stephenson,
L. J. Cox,	H. K. Hay,	W. R. Stewart,
W. J. Cox,	P. R. Hays,	J. R. Summers,
J. M. Dawson, Jr.,	Daniel James,	Lewis E. Thomas,
James R. Dean,	R. M. Kincheloe,	J. R. Thomas,
E. M. Dickson,	Lewis Y. Leavell,	N. S. Walton,
J. E. Durham,	H. P. Lively,	John D. Woods—39.

The hour of 1 P. M. having arrived, the House adjourned until to-morrow morning.

WEDNESDAY, MAY 10, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	McD. Ferguson,	W. F. Neat,
Lewis Alexander, Sr.,	George Will. Follis,	Eli Nicholls,
W. W. Ayres,	J. M. Frazee,	J. P. O'Meara,
John T. Bashaw,	J. C. Glenn,	W. F. Peak,
R. F. Bass,	S. M. Gough,	Thos. S. Pettit,
W. P. Beard,	Thos. H. Hanks,	J. F. Porter,
B. F. Bennett,	U. G. Harlow,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	C. D. Reed,
John Botts,	H. K. Hay,	S. H. Shouse,
B. E. Caudill,	P. R. Hays,	C. C. Spalding,
R. F. Comer,	F. W. Hutcheson,	W. R. Stewart,
L. J. Cox,	Daniel James,	J. R. Summers,
W. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
James R. Dean,	John M. Letterle,	D. W. Tribble,
E. M. Dickson,	H. P. Lively,	N. S. Walton,
J. E. Durham,	C. W. Mathers,	B. F. Willett,
D. B. Edmiston,	Hiram McElroy,	John D. Woods—54.

The following members were absent, viz:

T. J. Arnett,	R. K. Hart,	Granville Philpot,
W. S. Bailey,	B. B. Hensley,	A. T. Pullen,
Posey D. Ball,	W. J. Hissem,	I. M. Quigley,
John Bartman,	Berry Howard,	R. E. Roberts,
P. S. Bruner,	W. W. Johnson,	John Ryan,
Polk Cansler,	J. S. Joplin,	D. H. Severs,
A. J. Carroll,	T. S. Kirk,	Waller Sharp,
A. H. Charlton,	Henry Kremer,	Fenton Sims,
F. P. Combest,	William Krieger,	W. W. Stephenson,
Wesley Crow,	W. H. May,	Samuel O. Tate,
J. S. Cullen,	John S. May,	John M. Tinsley,
John Finn,	M. D. McInerney,	J. H. Welch,
Wm. Garrison,	Harvey Myers,	H. P. Whitaker,
Ben. F. Gardner,	John Lee Payne,	Geo. E. Willett,
J. P. Gay,	J. A. Perkins,	R. B. Wilson—46.
Geo. T. Halbert,		

The Journal of yesterday was approved.

Mr. Spalding introduced H. B. 535, entitled

A bill to authorize and empower cities and towns in this State, denominated by law as cities of the fourth class, and governed by trustees and councilmen, to hold special elections for the election of such trustees and councilmen for such cities or towns until the general election in November, 1893, in cases where there has been a failure to hold an election for such trustees or councilmen as provided by the charters of such cities or towns.

Referred to the Committee on Judiciary.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed S. B. 217, entitled

An act for the government of towns of the sixth class.

Mr. O'Meara, from the Committee on General Statutes, reported H. B. 533, entitled

A bill to authorize Hardin county to dispose of the surplus money now on hand arising from its subscription to the stock of the L. & N. R. R. Co., and declaring an emergency.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Bass, from the Committee on Internal Improvements, reported S. Resolution 58, entitled

Resolution directing the Committee on Internal Improvements to investigate charges made on all turnpike roads in this State,

With the expression of opinion that it should not be adopted.

Said resolution was read the first time.

The question being taken on ordering said resolution to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

A message was received from the Senate asking a committee on the part of the House, to act with a like committee on the part of the Senate, to take into consideration the differences between the two Houses as to H. B. 289, entitled

An act to provide how the printing, binding and stationery used by the State shall be furnished.

The Speaker appointed Messrs. Walton, Glenn and Tinsley as said committee on the part of the House.

The House took from the orders of the day S. B. 182, entitled

An act relating to husband and wife, and entitled "Husband and Wife."

Mr. O'Meara, from the Committee on Conference, submitted the following report, viz :

To the Senate and House of Representatives :

Your Committee of Conference, to whom was referred the matters of disagreement between the two Houses in relation to Senate Bill No. 182, entitled "An act relating to husband and wife and entitled 'Husband and Wife,'" beg leave to submit the following report :

1. That Senate concur in amendments Nos. 2 and 3.
2. That Senate concur in amendment No. 7, but amended by the committee so as to read as follows, to wit: "If the wife voluntarily leave her husband and live in adultery, or if the husband voluntarily leave his wife and live in adultery, the party so offending shall forfeit his or her right of curtesy or dower, as the case may be, unless they afterwards become reconciled and live together as husband and wife."
3. That House recede from amendments Nos. 1, 4, 5 and 6, and also from amendments Nos. 8 to 23, inclusive.

Respectfully submitted,

Senate Committee.

House Committee.

J. S. WORTHAM, *Ch'n*,

GEO. T. HALBERT, *Ch'n*,

J. W. DOWNER,

J. P. O'MERA,

F. M. HUTCHESON.

WM. GARRISON.

Said report was adopted.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	J. P. O'Meara,
Lewis Alexander, Sr.,	J. P. Gay,	W. F. Peak,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
R. F. Bass,	S. M. Gough,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	E. M. Pryse,
B. F. Bennett,	A. L. Harned,	C. D. Reed,
B. T. Birkhead,	H. K. Hay,	R. E. Roberts,
John Botts,	P. R. Hays,	S. H. Shouse,
L. J. Cox,	F. W. Hutcheson,	Fenton Sims,
W. J. Cox,	Daniel James,	C. C. Spalding,

J. M. Dawson, Jr.,	R. M. Kincheloe,	W. R. Stewart,
E. M. Dickson,	Lewis Y. Leavell,	J. R. Summers,
J. E. Durham,	John M. Letterle,	Lewis E. Thomas,
D. B. Edmiston,	H. P. Lively,	J. R. Thomas,
McD. Ferguson,	Hiram McElroy	N. S. Walton,
John Finn,	W. F. Neat,	B. F. Willett,
George Will. Follis,	Eli Nicholls,	John D. Woods—52.
J. M. Frazee,		

Those who voted in the negative, were—

B. E. Caudill,	Henry Kremer,	C. W. Mathers—4.
Thos. H. Hanks,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Gardner, from the Committee on Circuit Courts, reported H. B. 528, entitled

A bill in relation to commissioners and receivers of circuit courts.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Ayres, from the Committee on Public Morals, reported H. B. 514, entitled

A bill to prohibit book-making and pool-selling.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Kremer moved to recommit said bill to the Committee on Public Morals.

Said motion was rejected.

Mr. Sims, from the Committee on General Statutes, reported bills, which originated in the Senate, of the following titles, viz:

S. B. 165. An act in relation to descent and distribution, and entitled "Descent and Distribution."

S. B. 208. An act in relation to executions.

Ordered, That said bills be placed in the orders of the day.

Mr. Sims, from the Committee on Judiciary, reported a resolution, heretofore introduced by Mr. L. E. Thomas, to order printed one thousand copies of the charters of cities of the sixth class for use of members of the House,

With the expression of opinion that said resolution should not be adopted.

Said resolution was rejected.

Mr. Bennett, from the Committee on General Statutes, reported H. B. 522, entitled

A bill to amend an act, entitled "An act relating to crimes and punishments," approved April 10, 1893,

With substitute proposed therefor by the committee.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Mathers, from the Committee on Charitable Institutions, reported H. Resolution 100, entitled

Resolution directing that certain inmates, of the Institution for the Education and Training of Feeble-minded Children be returned to the counties from which they came.

Said resolution was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Shouse, from the Committee on Agriculture and Manufactures, reported H. B. 509, entitled

A bill to levy and collect a tax on dogs, to encourage wool-growing, and to suppress the spread of hydrophobia in this Commonwealth,

With sundry amendments proposed thereto by the committee.

Said bill was read the first time.

Mr. Ferguson moved to recommit said bill to the Committee on Judiciary.

Said motion was adopted.

Mr. Pettit, from the Committee on Public Offices, reported H. Resolution 104, originated by the committee, entitled

Resolution authorizing the State Librarian to deliver to the State's Commissioners for the World's Columbian Exposition certain paintings, works of art and historical relics for exhibition at said Exposition, and declaring an emergency.

Said resolution was read the first time, ordered to be printed, and read the second time on some other day.

The House took up for consideration the unfinished business of yesterday, viz :

S. B. 225. An act for the government of cities of the fifth class.

Mr. Sims moved to amend section 46 by inserting in line five, after the word "business," the words "or doing business."

Said amendment was adopted.

Mr. Leavell moved to amend section 37 by striking out the words "except as herein provided," in lines 17 and 18, and inserting in lieu thereof the following words: "except license taxes and taxes paid by banks, trust companies and building associations, which taxes shall be paid directly to the Treasurer."

Mr. Hanks moved to amend said amendment by adding after the word "associations," the words "and other corporations."

Said amendment was adopted.

Said amendment, as amended, was adopted.

Mr. Hay moved to reconsider the vote by which the House on yesterday rejected the amendment moved by Mr. Tinsley to section 17 was rejected.

Said motion was rejected.

Mr. Gardner moved to add the following as an additional section :

§ 43. The legislative board may employ an attorney for the city who may not reside in said city, and he shall be paid such compensation as said board may by ordinance prescribe.

Said amendment was adopted.

Mr. Gardner moved to amend section 15, lines four and five, by striking out the word "seventy-five," and insert in lieu thereof the words "three hundred."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Gardner and Hanks, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	W. J. Cox,	John M. Letterle,
A. J. Carroll,	J. M. Frazee,	R. E. Roberts,
B. E. Caudill,	Ben. F. Gardner,	B. F. Willett—11.
L. J. Cox,	P. R. Hays,	

Those who voted in the negative, were—

Mr. (Speaker Moore),	Thos. H. Hanks,	J. P. O'Meara,
W. W. Ayres,	U. G. Harlow,	W. F. Peak,
R. F. Bass,	A. L. Harned,	Thos. S. Pettit,

W. P. Beard,	H. K. Hay,	E. M. Pryse,
John Botts,	F. W. Hutcheson,	C. D. Reed,
R. F. Comer,	Daniel James,	S. H. Shouse,
J. M. Dawson, Jr.,	R. M. Kincheloe,	Fenton Sims,
James R. Dean.	Lewis Y. Leavell,	W. R. Stewart,
J. E. Durham,	H. P. Lively,	J. R. Summers,
D. B. Edmiston,	C. W. Mathers,	J. R. Thomas,
McD. Ferguson,	Hiram McElroy,	D. W. Tribble,
John Finn,	W. F. Neat,	N. S. Walton,
J. C. Glenn,	Eli Nicholls,	John D. Woods—40.
S. M. Gough,		

Mr. Kremer moved to amend subsection 3 of section 22 by striking out the word "two, in line 52, and insert the word "one."

Said amendment was rejected.

Mr. Bashaw moved the following as a substitute for section 15, viz:

The members of the city council shall receive such compensation as shall be fixed by ordinance, not exceeding two dollars for each regular meeting they shall actually attend, and the mayor such compensation as may be fixed by ordinance, not exceeding two hundred and fifty dollars. The salaries of the other city officers shall likewise be fixed by ordinance by a majority of the council, and no salary of any such town officer or its mayor shall be changed during the term of office of such officer, but changes may be made to take effect after the term of office of any such officer.

Said amendment was rejected.

Mr. Beard called up the motion heretofore entered by him to reconsider the vote by which the House on yesterday adopted the amendment moved by Mr. Sims to strike out section 16.

Said motion was adopted.

Said amendment was then rejected.

The yeas and nays being required thereon by Messrs. Sims and Dawson, were as follows, viz:

Those who voted in the affirmative, were—

B. F. Bennett,	John Finn,	H. P. Lively,
B. T. Birkhead,	Ben. F. Gardner,	W. F. Neat,
R. F. Comer,	J. C. Glenn,	Fenton Sims,
W. J. Cox,	U. G. Harlow,	W. R. Stewart,
McD. Ferguson,	R. M. Kincheloe,	J. R. Summers—

Those who voted in the negative, were—

Lewis Alexander, Sr.,	D. B. Edmiston,	Eli Nicholls,
W. W. Ayres,	George Will. Follis,	J. P. O'Meara,
John T. Bashaw,	J. M. Frazee,	W. F. Peak,
R. F. Bass,	S. M. Gough,	Thos. S. Pettit,
W. P. Beard,	Thos. H. Hanks,	E. M. Pryse,
John Botts,	A. L. Harned,	C. D. Reed,
A. J. Carroll,	H. K. Hay,	S. H. Shouse,
B. E. Caudill,	P. R. Hays,	J. R. Thomas,
L. J. Cox,	Daniel James,	D. W. Tribble,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	N. S. Walton,
James R. Dean,	C. W. Mathers,	John D. Woods—36.
J. E. Durham,	Hiram McElroy,	

Mr. Gardner moved to amend subsection 1, section 2, line 14, by striking out all after the word "half."

Said amendment was adopted.

Mr. Walton moved to amend subsection 3 of section 22, line 61, by striking out the word "trustees," and inserting in lieu thereof the word "councilmen."

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time by its title,

The constitutional provision as to the reading of said bill the third time at length being dispensed with.

[*See Bill in House Journal May 8, 1893.*]

The question being taken on the passage of said bill, and no quorum being present and voting thereon, said bill failed to pass.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	John Finn,	Hiram McElroy,
Lewis Alexander, Sr.,	George Will. Follis,	W. F. Neat,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
John T. Bashaw,	S. M. Gough,	W. F. Peak,
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	E. M. Pryse,
John Botts,	A. L. Harned,	C. D. Reed,
A. J. Carroll,	H. K. Hay,	S. H. Shouse,

B. E. Caudill,	P. R. Hays,	J. R. Summers,
W. J. Cox,	Daniel James,	J. R. Thomas,
J. M. Dawson, Jr.,	R. M. Kincheloe,	D. W. Tribble,
James R. Dean,	Lewis Y. Leavell,	N. S. Walton,
J. E. Durham,	C. W. Mathers,	John D. Woods—40.
D. B. Edmiston,		

Those who voted in the negative, were—

B. F. Bennett,	Ben. F. Gardner,	J. P. O'Meara,
B. T. Birkhead,	H. P. Lively,	Fenton Sims—7.
McD. Ferguson,		

The hour of one o'clock, p. m., having arrived, the House adjourned.

THURSDAY, MAY 11, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	John Finn,	Eli Nicholls,
Lewis Alexander, Sr.,	George Will. Follis,	J. P. O'Meara,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. P. Beard,	S. M. Gough,	Thos. S. Pettit,
B. F. Bennett,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	E. M. Pryse,
John Botts,	H. K. Hay,	A. T. Pullen,
B. E. Caudill,	P. R. Hays,	C. D. Reed,
R. F. Comer,	F. W. Hutcheson,	S. H. Shouse,
L. J. Cox,	Daniel James,	C. C. Spalding,
W. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Summers,
James R. Dean,	John M. Letterle,	Lewis E. Thomas,
E. M. Dickson,	H. P. Lively,	J. R. Thomas,
J. E. Durham,	C. W. Mathers,	N. S. Walton,
D. B. Edmiston,	Hiram McElroy,	B. F. Willett,
McD. Ferguson,	W. F. Neat,	John D. Woods—51.

The following members were absent, viz:

T. J. Arnett,	Geo. T. Halbert,	J. A. Perkins,
W. S. Bailey,	A. L. Harned,	Granville Philpot,

Posey D. Ball,	R. K. Hart,	I. M. Quigley,
John Bartman,	B. B. Hensley,	R. E. Roberts,
John T. Bashaw,	W. J. Hissem,	John Ryan,
R. F. Bass,	Berry Howard,	D. H. Severs,
P. S. Bruner,	W. W. Johnson,	Waller Sharp,
Polk Cansler,	J. S. Joplin,	Fenton Sims,
A. J. Carroll,	T. S. Kirk,	W. W. Stephenson,
A. H. Charlton,	Henry Kremer,	Samuel O. Tate,
F. P. Combest,	William Krieger,	John M. Tinsley,
Wesley Crow,	W. H. May,	D. W. Tribble,
J. S. Cullen,	John S. May,	J. H. Welch,
J. M. Frazee,	M. D. McInerney,	H. P. Whitaker,
Wm. Garrison,	Harvey Myers,	Geo. E. Willett,
Ben. F. Gardner,	John Lee Payne,	R. B. Wilson—49.
J. P. Gay,		

The Journal of yesterday was approved.

A message was received from the Senate, announcing that they had passed S. B. 236, entitled

An act to regulate and control turnpike, gravel and plank roads.

Ordered, That said bill be referred to the Committee on Internal Improvements.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 126. An act concerning juries, and entitled "Juries,"

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

The House resumed the consideration of the unfinished business of yesterday, viz :

S. B. 225. An act for the government of cities of the fifth class.

Said bill was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	W. F. Peak,
Lewis Alexander, Sr.,	J. C. Glenn,	Thos. S. Pettit,
W. W. Ayres,	S. M. Gough,	E. M. Pryse,
W. S. Bailey,	Thos. H. Hanks,	A. T. Pullen,
W. P. Beard,	U. G. Harlow,	C. D. Reed,
John Botts,	H. K. Hay,	R. E. Roberts,
A. J. Carroll,	P. R. Hays,	Waller Sharp,
B. E. Caudill,	F. W. Hutcheson,	S. H. Shouse,
L. J. Cox,	Daniel James,	C. C. Spalding,
W. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. M. Dawson, Jr.,	Henry Kremer,	J. R. Summers,
James R. Dean,	Lewis Y. Leavell,	Lewis E. Thomas,
J. E. Durham,	John M. Letterle,	J. R. Thomas,
D. B. Edmiston,	C. W. Mathers,	N. S. Walton,
McD. Ferguson,	Hiram McElroy,	B. F. Willett,
John Finn,	W. F. Neat,	Geo. E. Willett,
George Will. Follis,	Eli Nicholls,	John D. Woods—53.
J. M. Frazee,	J. P. O'Meara,	

Those who voted in the negative, were—

B. F. Bennett,	Ben. F. Gardner,	J. F. Porter,
Polk Cansler,	H. P. Lively,	Fenton Sims—7.
R. F. Comer,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Sims, from the Committee on Judiciary, reported H. B. 509, entitled

A bill to levy and collect a tax on dogs, to encourage wool-growing, and to suppress the spread of hydrophobia in this Commonwealth,

With an amendment proposed thereto by the committee.

Ordered, That said bill be printed, and read the second time on some other day.

Mr. Sims, from the Committee on the Judiciary, reported H. B. 530, entitled

A bill to amend an act, entitled "An act concerning the State Board of Health," approved April 20, 1893,

With a substitute proposed therefor by the committee.

Ordered, That said bill and substitute be printed, and read the second time on some other day.

Mr. Sims, from the Committee on Judiciary, reported H. Resolution 95, entitled

Resolution authorizing encampment of State Guard at Chicago, 1893,

With the expression of opinion that said bill should not be adopted.

Said resolution was read the third time.

Said resolution was rejected.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were--

W. S. Bailey,	J. P. Gay,	J. P. O'Meara,
B. F. Bennett,	P. R. Hays,	A. T. Pullen,
John Botts,	Daniel James,	R. E. Roberts,
A. J. Carroll,	R. M. Kincheloe,	Waller Sharp,
L. J. Cox,	Henry Kremer,	S. H. Shouse,
W. J. Cox,	Lewis Y. Leavell,	Lewis E. Thomas,
John Finn,	John M. Letterle,	N. S. Walton,
J. M. Frazee,	Hiram McElroy,	John D. Woods—26.
Ben. F. Gardner,	Eli Nicholls,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	George Will. Follis,	Thos. S. Pettit,
W. W. Ayres,	J. C. Glenn,	J. F. Porter,
W. P. Beard,	S. M. Gough,	E. M. Pryse,
Polk Cansler,	Thos. H. Hanks,	C. D. Reed,
B. E. Caudill,	F. W. Hutcheson,	Fenton Sims,
R. F. Comer,	H. P. Lively,	C. C. Spalding,
J. M. Dawson, Jr.,	C. W. Mathers,	W. R. Stewart,
J. E. Durham,	W. F. Neat,	J. R. Summers,
D. B. Edmiston,	W. F. Peak,	J. R. Thomas—28.
McD. Ferguson,		

Mr. Pettit presented petition of G. E. Billingsley, in relation to practice under the criminal and penal laws of this Commonwealth.

Said petition was received, its reading dispensed with, and referred to the Committee on Criminal Law.

The House took from the orders of the day bills of the following titles, viz :

H. B. 231. A bill to increase the efficiency of the State Normal School for Colored Persons, and to provide for the further and more complete support of said institution, and the future management thereof.

H. B. 527. A bill to prohibit persons from leading or conveying bears along the public highways of this Commonwealth, except caged and hid from public view.

Said bills were severally read the second time by their titles, The constitutional provision as to the second reading at length of said bills being dispensed with.

The House took from the orders of the day H. B. 388, entitled A bill relating to roads and passways.

The substitute proposed therefor by the committee being under consideration, was read as follows, viz :

ARTICLE I. Public Roads.

ARTICLE II. Passways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. All public roads on which the several county courts have heretofore appointed surveyors to work the same and allotted hands therefor, which have not been vacated according to law, are hereby declared public roads, without regard to any informality of the several county courts, or either of them, by which they were established.

§ 2. Applications for opening roads shall be allowed only for the convenience of traveling to the county court-house, to a public warehouse, an established town, landing, ferry, mill, lead or iron works, the seat of government, salt works, house of public worship, public cemetery, poor-house, coal or iron banks, to a lock and dam, to an oil well, copper or other mines, to any navigable river, or to a convenient depot on a railroad.

§ 3. All applications to have a new road opened, or a former one changed or discontinued, or to have the privilege of erecting gates across any such road, shall be by petition to the county court, signed by at least five land-owners of the county, which petition shall set forth, in writing, a description of the road, and what part thereof is to be altered or vacated. If for a new road, the names of the owners and tenants of lands, if known ; and if not known, it shall be so stated, over which the road is to

pass, the points at or near which it is to commence, its general course, and the place at or near where it is to terminate; and if to erect gates, the place proposed for that purpose.

§ 4. Previous to the filing of any petition mentioned in the preceding section, notice thereof shall be given by posting written or printed advertisements in at least five of the most public places in the district or districts in which said road shall be located, for at least twenty days prior to the term of court at which such petition is to be presented, which notice shall state the time when such petition is to be presented, and the substance thereof, and a copy thereof shall be filed with the petition.

§ 5. When the petition is filed, the county court, being satisfied that proper notice has been given according to the provisions of the preceding section, shall appoint three impartial house-keepers of the county as commissioners to assess damages the owner or owners, or tenants, if any, may be entitled to receive, who shall be sworn to faithfully and impartially discharge their duties under the law.

§ 6. It shall be the duty of said commissioners to view the ground along which the road is proposed to be conducted; to view the old road and new route, if any alteration in the road is proposed; if a discontinuance, then to view that road; and if the petition be to erect gates across a road, then to view the place proposed for that purpose. The commissioners may examine other routes than that set forth in the petition, and as near thereto as, in their opinion, a good road can be made at reasonable expense, taking into consideration the ground, convenience and inconvenience and the expense which will result to individuals as well as the public, if such roads shall be established or altered as prayed for, and may report in favor of that which they prefer, with their reasons for the preference. Said commissioners shall determine and assess what will be a just compensation to each owner and tenant, if any, for the land proposed to be taken, and the additional fencing which will be thereby rendered necessary, and the value thereof, and the damage, if any, to the residue of the tracts beyond the peculiar benefits which will be derived to such residue from the road. If a person has only an estate for life or years in such land, and the remainder in fee belongs to another, the commissioners shall apportion the damages between them.

§ 7. Said commissioners shall return a report, in writing, signed by them, to the court, stating the conveniences and inconveniences which will result, as well to individuals as to the public, from the opening of such road, the alteration or discontinuance of a road, or the erection of gates across a road. It shall state the commencement and termination, courses and distances of such proposed road or alteration, so that the same can readily be found and located; the value of the land sought to be appropriated for the establishment of such road or altera-

ation, and the amount of damages, if any, to whom, which by them have been assessed; the names of the owners and tenants, if any, and whether the owners are non-residents of the State, infants of unsound mind, or married women; and it shall also state their opinion in favor of or against the establishment, alteration or discontinuance of such road, or the erection of gates across a road, as the case may be. The court shall, if requested, direct the surveyor of the county to attend the commissioners, and make out and return a map or diagram of the routes viewed, and to report such other facts touching the matter as either party may require

§ 8. Upon the report of the commissioners on an application to establish or alter a road, said report being favorable, it shall issue process against the owners and tenants of the lands over which said report shows the proposed road to pass to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court; but if the court shall be of the opinion that the proposed road or alteration is not of sufficient public utility for the county to pay the compensation and damages assessed as aforesaid, and the petitioners refuse to pay the compensation and damages, or if the report of the commissioners be against such proposed road or alteration, then the proceedings shall be dismissed at the cost of the applicant.

§ 9. At the first regular term of the county court, after the owners and tenants shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required, no exceptions having been filed to said report by either party, it shall be the duty of the court from the report and other evidence, if any, to determine whether the road shall be established or altered as recommended by the commissioners.

§ 10. When exceptions shall be filed by either party, the court shall forthwith cause a jury to be empaneled to try the issue of facts made by the exceptions, and each juror shall be allowed one dollar per day for his services, to be taxed as costs. In assessing the compensation and damages, the jury shall be governed by the rule prescribed in section six of this article, and upon request of either party, may be sent by the court, in charge of the sheriff, to view the lands. If sufficient cause be not shown for setting aside the verdict, the court shall, upon the report, verdict and other evidence, if any, determine whether the road shall be established or altered as recommended in said report.

§ 11. At the first regular term of the county court after the filing of the report of the commissioners on an application to discontinue a road or erect gates across a road, whether exceptions have been filed thereto or not, the court shall, upon the report and other evidence, if any, determine whether the road shall or shall not be discontinued, or whether gates may or may

not be erected across a road ; and if the decision be in favor of erecting gates, the court shall fix the site of such gates, and the description of gate to be erected, which, in all cases, shall be done at the cost of the applicants. The county court may, after the occupant of the premises upon which gates shall be erected across a road has had ten days' previous notice of the proceeding, order the county supervisor of roads to have the gates repaired, removed or abolished (if the public good requires it) at the expense of the occupier of the land ; but the order shall allow the occupant reasonable time to repair, remove or abolish the gates, and to remove or change his fences, so as not to endanger the crop or other property of the occupant.

§ 12. If the occupant shall fail to repair, alter or abolish the gates as ordered by the court, and the same shall be done by the supervisor, under the provisions of the preceding section, and the occupant shall, on demand, refuse to pay the expense thereof, the supervisor of the road shall report the facts to the county court, and it shall thereupon enter judgment against such occupant for the expenses and costs.

§ 13. The court may open or alter a road on condition that all or a part of the sum required to be paid to the owner and tenant, and the cost of procedure, shall be paid by the applicants, or on condition that the applicants wholly or in part open or alter the road ; but if the court be of the opinion that such sum or sums and the cost of the proceedings shall be paid by the county, it shall order the same to be paid to the person or persons entitled thereto.

§ 14. After any such road or alteration thereof has been established, the court shall cause an order to be issued to the county supervisor or overseer of roads, directing said road to be opened or altered, as the case may be, in conformity to the commissioner's report.

§ 15. No road shall be ordered to be opened or altered through any burying-ground or dwelling-house without the consent of the owner.

§ 16. The owners of the stock of any turnpike, plank or gravel road may, at any time, surrender to the fiscal court of the county, in which the road is situated, the right to use, occupy, repair and control the same as a public road, and thereupon it shall be the duty of said court to immediately take charge of said road, which shall become a part of the public road system of the county.

§ 17. No appeal shall lie to the Court of Appeals from the decision of a county court ordering a new road to be opened, or refusing such order, or ordering an alteration in a road, or refusing the same, or discontinuing a road, or refusing such discontinuance, allowing gates to be erected across a road, or refusing to allow the same, or abolishing such gates. But in all such cases the party aggrieved may prosecute an appeal within sixty days by executing bond, as required in other cases,

to the circuit court of the county, and the appeal shall be tried *de novo*. And from the decision of the circuit court either party may prosecute an appeal to the Court of Appeals (and the latter court shall have jurisdiction only of matters of law arising on the record of such cases).

§ 18. Where an application is made to open a road for the convenience of traveling to an established town, and the applicants are willing to pay the proprietors a fair compensation for the land to be condemned, and the cost of opening and cost of procedure, it shall be deemed to be *prima facie* evidence of the necessity of the proposed road for the convenience of travel that it lies in the right line extended of a street of a city; but this rule shall apply only to an extension of not exceeding two miles beyond the limits of a city that, by the last preceding Federal census, had over fifty thousand inhabitants, and to an extension not exceeding one mile where the city had less than that number. At the option of the applicants, a road made under this section may be made of the full width of the street of which it is an extension. Nothing in this section shall prevent a county court from opening a road along the extension of a city street at the expense of the county, in whole or in part, in any case where it would have done so but for the provisions of this section.

§ 19. The fiscal courts of the several counties of this Commonwealth shall have full power and authority to levy an *ad valorem* tax of not exceeding twenty-five cents per year upon each one hundred dollars of all property in their respective counties assessed for taxation for State and county purposes, for the purpose of maintaining and keeping the public road in repair, and may direct what officer shall collect the same, require bond, with good security therefor, to be approved by said court, and fix the amount of commission to be allowed said officer for his services for collecting and paying out said tax, and to whom the same shall be paid, and require said officer to settle his accounts therefor at such times as they may deem proper.

§ 20. The fiscal courts may require all able-bodied male citizens of their county, over eighteen and under fifty years of age except licensed ministers of the gospel, and citizens of incorporated towns and cities, to work on the public roads of the county, not exceeding four days in each year, and cause them to be assigned to work on the roads nearest and most convenient to their residence, and such citizen may furnish an able-bodied substitute to work in his place, and may appoint such supervisor or supervisors as they may deem best, and such overseers as may be necessary to the prudent management and repair of all public roads of their county.

§ 21. The fiscal court shall prescribe all rules and regulations for the proper management and repairing and keeping in repair all public roads in their county, and, in fact, may do every thing that is necessary to be done for the purpose of keeping

up, and in good repair, all bridges and public roads in their several counties, and may make a reasonable allowance to such supervisors for their services, and require the supervisor to give bond, with good security, for the faithful discharge of their duty.

§ 22. The fiscal court may classify the public roads of their counties and fix the width of each, which shall not be less than fifteen nor more than sixty feet wide, and may determine the width of the road-bed of each class.

§ 23. Any supervisor or overseer who shall willfully fail or refuse to discharge their duties, shall be guilty of a misdemeanor, and, upon indictment and conviction, shall be fined not less than five nor more than twenty dollars for each offense; and any one assigned to work on a public road who shall fail or refuse to work after having been notified, as the fiscal court may direct, without a lawful excuse, shall, upon trial and conviction before a justice of the peace, be fined for each day they shall so fail to work two dollars and fifty cents. All such fines shall go into the road fund of the county, to be used for road purposes, and upon non-payment of said fine a *capias pro fine* may issue.

§ 24. Any corporation, company or individual engaged in lumber, mineral, quarrying, or any other business that requires the constant use of a particular road or roads for hauling any material to or from their mills, mines, quarry or other places of business; or any contractor who owns or employs teams, and who is constantly using a particular road for delivering mineral, lumber, logs or stone to any point for shipment, or where such material is, by contract, to be delivered, shall repair all damages caused by the use of such road or roads. The supervisor or overseer of roads shall, at any time when necessary, notify said corporations, companies or individuals of their duty, as provided in this section; and should the said parties so notified fail, in a reasonable length of time, to make such repairs, such parties shall be deemed guilty of obstructing the public roads, and shall be subject to the same fines and penalties as provided in section 23 of this article; all such fines to be paid into the road and bridge fund.

§ 25. Every road supervisor or overseer shall, when directed by the county court, keep an index erected at the forks or crossing of all the public roads in his district, upon which shall be inscribed in plain letters the name of the most noted place or places to which each road leads, the cost of which shall be paid as other road expenses.

§ 26. The owner or occupant of a ferry shall keep the roads leading to and from the same between high and low water-mark in good repair. But if high water even extends farther than to the top of the first principal bank of the river, then the owner or occupier of the ferry shall only keep the roads leading from the same in repair to the top of such bank. The owner or occupier of a ferry shall, for neglecting his duty under this sec-

tion, be fined not less than ten dollars, and not more than fifteen dollars.

§ 27. When a bridge or causeway shall be necessary on a road, and the expense of erecting or repairing the same is too great to be paid out of the road and bridge fund for that year, the fiscal court of the county may have the same erected or repaired, and levy the costs thereof on the county.

§ 28. When the fiscal court of any county shall deem it advisable to erect a bridge or causeway over any place between that and an adjoining county, the court shall appoint a commissioner, and notify the fiscal court of the adjoining county thereof, and request the latter to appoint a like commissioner; and it shall be the duty of the court so requested to appoint such commissioner. The persons so appointed shall meet at the place proposed for erecting the bridge or causeway, and agree on a plan for the same, and contract for the erection thereof, and each of said fiscal courts shall levy the cost of such work on its county in proportion to the number of tithables in each county.

§ 29. When the fiscal court of one county shall think it expedient to build a bridge or causeway, and shall appoint a commission on its part as provided in the preceding section, and the court of the adjoining county shall refuse to appoint a commission, or when the county court of one county shall deem it necessary to open a road to the county line for the convenience of traveling to some public place in another, and the county court of such other county shall refuse to continue the road through such county, the circuit court of the county so refusing may issue a writ of mandamus to the fiscal court requiring it to show cause why an order shall not be entered directing the appointment of the commission and the erection of such bridge or causeway, or the opening of the road. When the mandamus is returned, the circuit court shall hear and consider such evidence touching the matter as either party may adduce, and shall either dismiss the proceeding or award a peremptory mandamus, as may seem proper.

§ 30. When a public road crosses a dam, race or pier-head, the owner or occupier thereof shall constantly keep the same in repair, at least twelve feet wide at the top, through the whole length thereof, and keep a bridge across the race or pier-head of like width, with strong rails on each side of the pier-head, flood-gates, or any waste cut through or around the dam, under the penalty of one dollar and fifty cents for every twenty-four hours he shall fail to comply with the requirements of this section; but when a mill-dam or pier-head shall be carried away by flood, or otherwise be destroyed without fault of the owner or occupier, he shall not be liable to such penalty until one month after the dam and pier-head shall be rebuilt or repaired.

§ 31. Any person who shall fell a tree into a public road, or

into any stream of water above a public bridge over the stream, and shall not remove the same within forty-eight hours, or shall cut, pull up, or destroy or deface any stone or post, or finger-board, erected for the direction of travelers, or the indexes, or the inscriptions thereon, shall pay a fine of not exceeding twenty dollars for every such offense; and any person who shall willfully and unlawfully dig a ditch in or across a public road, shall be subject to a fine of not exceeding fifty dollars.

§ 32. Whenever the route of a proposed new road commences in one county, and running partly through another finally terminates in that in which it commenced, then, and in all such cases, the county court of that county in which said road begins and terminates shall have the right to appoint commissioners to view the entire route in both counties, and shall have jurisdiction to open and establish the same, as now provided by law in cases where the road is wholly within the limits of one county.

§ 33. Any person or persons owning any large and extensive coal bank, or mine of iron ore, any iron works or stone quarry, within three miles of any navigable stream or railroad in this Commonwealth, shall have the right to apply to the county court of the proper county to establish a road from such banks, mines, works or quarry to the most convenient and suitable landing on such navigable stream, or depot on such railroad.

§ 34. No such road shall be established or permitted until the court shall have appointed commissioners and proceeded in all respects as in cases of application to establish public highways. If the applicant indicates in his motion the time for which he wishes the road to be condemned, the damages shall be assessed in view of that time, at the expiration of which the road-bed shall revert to the original proprietor of the land or to his vendee.

§ 35. That any tax-payer who may so desire shall have the privilege of working on the public roads in his county sufficiently long to pay his road and bridge tax, but shall work for the same compensation per day, and the same number of hours per day, and under the same regulations, that other hands employed to work on the roads do, and the supervisor shall give such person who desires to pay his road tax in work a receipt, specifying the number of days he may so work, and if the work done shall equal his tax at the specified price agreed on, then such receipt shall be evidence of the payment of his road and bridge tax in full, but if he only works out a part of said tax, the receipt shall only evidence a part payment thereof.

§ 36. All male persons confined in county jails or work-houses, either under sentence of court for misdemeanors or imprisoned for non-payment of fines, shall be available to the supervisor for the purpose of working them on the public highways. In counties having work-houses the prisoners may be obtained by the supervisor or overseer from the board of commissioners and the superintendent of the work-house, upon such terms as may

be agreed upon between them. In counties having no work-houses the prisoners may be obtained upon application to the judge of the county court, who shall give an order for such of said prisoners in jails as may be deemed proper. The jailer having such prisoners in custody shall deliver them to the supervisor or overseer on the presentation of the order of said judge. The supervisor or overseer shall be responsible for their safe-keeping, and the prisoners so employed shall be, while in the hands of the supervisor or overseer, governed, controlled and cared for by them as provided in the law governing superintendents of work-houses, and the prisoner shall receive credits for work as provided by law: *Provided*, All such work shall be done on such public highways and streets as have not been let out to a contractor at a stipulated price, unless the contractor consents thereto. If any prisoner escape from the supervisor or assistant by their negligence, they shall offer and pay a reasonable reward for the recapture of said prisoner. If the escape happens on account of the connivance or willful neglect of the supervisor or overseer, he shall be guilty of a misdemeanor, and shall be fined therefor not less than twenty-five and not more than one hundred dollars.

§ 37. It shall be the duty of the county attorney to make diligent inquiry as to any violations of this law, and cause such proceedings to be instituted as are provided herein when such violation is ascertained. It shall be his duty to attend in person and prosecute all offenses under this law.

§ 38. The county court shall furnish each supervisor and his assistants copies of this article for their use.

ARTICLE II. PASSWAYS.

§ 1. Whenever it shall appear to a county court that it is necessary for a citizen to have a private passway over the land of one or more persons in the county, to enable him to attend courts, elections, a meeting-house, a mill, a warehouse, ferry or railroad depot, most convenient to his residence, the court shall appoint commissioners as in case of a road, who, being first sworn to discharge their duties faithfully and impartially, shall go upon the lands of the person through which the passway is proposed, whether arable or not, and shall report, in writing, to the court whether or not a private passway is necessary to the applicant for the purposes aforesaid; and if favorable to the passway, they shall, in their report, designate the exact route for the same by metes and bounds, course and distance, and the width thereof, which, in no case, shall exceed twenty feet, and they shall determine and assess what will be a just compensation to each owner and tenant, if any, for the land proposed to be taken for a passway, in the same manner as upon an application to open and establish a new road.

§ 2. The applicant for commissioners shall give the persons

through whose land the passway is proposed ten days' previous notice of the intended application.

§ 3. The commissioners shall make out a report of their proceedings, and sign the same, and at least ten days before the court is required to act, deliver a copy thereof to the proprietor, and tenants, if any, of the lands over which the proposed passway is to run.

§ 4. When the report of the Commission is returned to the court, it shall proceed to establish the passway, or refuse the same as in the case of a road.

§ 5. No passway shall be established without the consent of the owners, until compensation and damages to the owner and tenants, if any, of the land shall be assessed, as in case of a public road, which compensation and damages, and the cost of the whole proceeding, shall be paid by the applicant before the passway shall be established.

§ 6. Any gates that shall become necessary by the establishment of a passway shall be erected and kept up at the expense of the applicant for the passway.

§ 7. Any person who shall put any obstructions in a passway, or shall prop open, pull down, injure, or leave open a gate erected across the same, shall be liable to a fine of ten dollars, recoverable by warrant in the name of the Commonwealth, the fine to be laid out in repairing the passway or gate.

§ 8. When the proprietor of lands over which a passway may be established shall wish to change the same, he shall give the applicant for the passway ten day's previous notice, and may, thereupon apply to the county court; and the court shall appoint commissioners to view the proposed change, who shall be sworn as on original applications, and shall go on the grounds and report the conveniences and inconveniences of making the change. Upon the return the court shall, as may seem proper, make the proposed change or not. But before such change shall take effect the proprietor shall open the new route, and remove and put up the gates across the same, at his own expense, and pay the other costs of the procedure.

§ 9. Passways may be discontinued by court in the same manner as roads. The law regulating appeals in road cases shall apply to and govern proceedings concerning passways. No passway shall be established through any town lot, burying-ground, buildings or yard (or grounds of any charitable institution of this Commonwealth), without the consent of the owner.

Mr. Peak moved to amend section 20 of said substitute by adding thereto the following :

A day's work on roads shall not be less than seven nor more than ten hours, to be determined by the fiscal court.

Said amendment was adopted.

Mr. Hay moved to add to section 20 the following, viz :

Provided, The fiscal court may pay the road hands a reasonable compensation per day for their labor when ordered out by the overseer, and the amount due each hand shall be certified to the fiscal court by the overseer. The fiscal court shall direct the sheriff to settle all road claims that have been allowed by the fiscal court in the payment of taxes when any taxes are due, and if no taxes are due, the sheriff or the county treasurer, in counties having a treasurer, shall pay the persons holding said claims the money, taking their receipt for the same, which receipt shall be his voucher in his settlement with the fiscal court. The overseer may call out the hands on the road for work when they are paid for their work, not exceeding two days in each week, and not exceeding six days in each year, unless especially directed to do so by the fiscal court.

Mr. Gay moved to amend section 15 by adding after the word "dwelling-house" the words "yard, lawn attached, and orchard."

Said amendment was adopted.

Mr. Peak moved to amend section 36 by adding after the word "supervisor, in line three, the words "or overseer."

Mr. Mathers moved to amend section 16 by striking out of line six the word "shall," and inserting in lieu thereof the word "may."

Said amendment was rejected.

Mr. Cansler moved to amend section 16 by adding thereto the following:

And said company shall thereby forfeit their right to afterward erect toll-gates, and charge toll for travel on said road."

Said amendment was rejected.

Mr. Ferguson moved to amend said substitute by striking out section 35.

Said amendment was rejected.

Mr. Gardner moved to amend section 35 by striking out of line one the word "that," and inserting in lieu thereof the words "if the fiscal court shall so decide."

Said amendment was adopted.

Mr. Birkhead moved the following substitute for section 27, viz:

When a bridge or causeway shall be necessary on a road, and the expense of erecting or repairing the same can be paid out of

the road and bridge fund for that year, the fiscal court of the county may have the same erected or repaired, and pay the cost thereof.

Said amendment was rejected.

Mr. J. R. Thomas moved to amend section 16 by adding after the word "gravel," in line one, the words "or other."

Said amendment was adopted.

Mr. Peak moved to amend section 38 by striking out of lines one and two the words "his assistant," and inserting the word "overseer."

Said amendment was adopted.

Mr. Hanks moved to amend section 16 by adding thereto the following, viz :

Amend section 16 by adding the following to section 11: "Or where any turnpike road company has ceased to care for its road and keep the same in repair and collect toll on said road, or has abandoned the road as a source of revenue to said company, the same may be cared for, and be under the charge of the fiscal court as provided in the foregoing part of this section."

Said amendment was rejected.

Mr. Lively moved to amend section 20 by striking out of line two the word "eighteen," and inserting the word "twenty-one."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Lively and Dawson, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	McD. Ferguson,	Thos. S. Pettit,
W. W. Ayres,	J. P. Gay,	E. M. Pryse,
B. F. Bennett,	J. C. Glenn,	A. T. Pullen,
John Botts,	U. G. Harlow,	R. E. Roberts,
Polk Cansler,	P. R. Hays,	Waller Sharp,
B. E. Caudill,	R. M. Kincheloe,	Fenton Sims,
R. F. Comer,	H. P. Lively,	W. R. Stewart,
J. E. Durham,	W. F. Neat,	J. R. Thomas—26.
D. B. Edmiston,	Eli Nicholls,	

Those who voted in the negative, were—

Mr. (Speaker Moore),	Geo. Will. Follis,	W. F. Peak,
W. S. Bailey,	J. M. Frazee,	C. D. Reed,
W. P. Beard,	Ben. F. Gardner,	S. H. Shouse,

A. J. Carroll,	S. M. Gough,	C. C. Spalding,
L. J. Cox,	Thos. H. Hanks,	J. R. Summers,
W. J. Cox,	H. K. Hay,	Lewis E. Thomas,
J. M. Dawson, Jr.,	F. W. Hutcheson,	N. S. Walton,
James R. Dean,	Daniel James,	John D. Woods—26.
John Finn,	Hiram McElroy,	

Mr. Lively moved to amend section 20 by striking out of line five the word "four" and insert the word "two."

Said amendment was rejected.

Said substitute, as amended, was adopted.

Ordered, That said bill be read the third time.

Said bill was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	John Finn,	W. F. Neat,
Lewis Alexander, Sr.,	George Will. Follis,	Eli Nicholls,
W. W. Ayres,	J. M. Frazee,	J. P. O'Meara,
W. S. Bailey,	Ben. F. Gardner,	W. F. Peak,
W. P. Beard,	J. P. Gay,	Thos. S. Pettit,
B. T. Birkhead,	J. C. Glenn,	E. M. Pryse,
John Botts,	S. M. Gough,	A. T. Pullen,
Polk Cansler,	Thos. H. Hanks,	C. D. Reed,
A. J. Carroll,	U. G. Harlow,	R. E. Roberts,
B. E. Caudill,	H. K. Hay,	Waller Sharp,
R. F. Comer,	P. R. Hays,	S. H. Shouse,
L. J. Cox,	F. W. Hutcheson,	W. R. Stewart,
W. J. Cox,	Daniel James,	J. R. Summers,
J. M. Dawson, Jr.,	R. M. Kincheloe,	Lewis E. Thomas,
James R. Dean,	Lewis Y. Leavell,	J. R. Thomas,
J. E. Durham,	H. P. Lively,	N. S. Walton,
D. B. Edmiston,	Hiram McElroy,	John D. Woods—52.
McD. Ferguson,		

Those who voted in the negative, were—

B. F. Bennett,	Fenton Sims,	C. C. Spalding—4.
E. M. Dickson,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, MAY 12, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	John Finn,	W. F. Neat,
Lewis Alexander, Sr.,	George Will. Follis,	Eli Nicholls,
W. W. Ayres,	J. M. Frazee,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,
W. P. Beard,	S. M. Gough,	J. F. Porter,
B. F. Bennett,	Thos. H. Hanks,	E. M. Pryse,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
John Botts,	H. K. Hay,	C. D. Reed,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	C. C. Spalding,
R. F. Comer,	Daniel James,	W. W. Stephenson,
L. J. Cox,	W. W. Johnson,	W. R. Stewart,
W. J. Cox,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	Lewis E. Thomas,
James R. Dean,	H. P. Lively,	J. R. Thomas,
E. M. Dickson,	C. W. Mathers,	John M. Tinsley,
J. E. Durham,	W. H. May,	N. S. Walton,
D. B. Edmiston,	John S. May,	B. F. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—57.

The following members were absent, viz :

T. J. Arnett,	A. L. Harned,	J. A. Perkins,
Posey D. Ball,	R. K. Hart,	Granville Philpot,
John Bartman,	B. B. Hensley,	I. M. Quigley,
John T. Bashaw,	W. J. Hissem,	R. E. Roberts,
R. F. Bass,	Berry Howard,	John Ryan,
P. S. Bruner,	J. S. Joplin,	D. H. Severs,
A. J. Carroll,	T. S. Kirk,	Waller Sharp,
A. H. Charlton,	Henry Kremer,	Fenton Sims,
F. P. Combest,	William Krieger,	Samuel O. Tate,
Wesley Crow,	John M. Letterle,	D. W. Tribble,
J. S. Cullen,	M. D. McInerney,	J. H. Welch,
Wm. Garrison,	Harvey Myers,	H. P. Whitaker,
Ben. F. Gardner,	J. P. O'Meara,	Geo. E. Willett,
J. P. Gay,	John Lee Payne,	R. B. Wilson—43.
Geo. T. Halbert,		

The Journal of yesterday was approved.

Petitions were presented as follows :

By Mr. Tinsley—

1. Resolution adopted by the State Medical Association in relation to asylums for the insane.

By Mr. Speaker Moore—

2. Resolution of state Medical Society, urging passage of a bill, entitled "An act to promote the study of anatomy and surgery."

Said petitions were received, their reading dispensed with, and referred—the 1st to the Committee on Charitable Institutions, and the 2d to the Committee on Public Health.

The Speaker added Will. J. Cox to the Committee on Mines and Mining, vice A. D. James, resigned.

The following bills were introduced, viz :

By Mr. Peak—

H. B. 536. A bill to prevent trusts, pools, combinations or other organizations from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value, and fixing a penalty for violation thereof ; referred to the Committee on Judiciary.

By Mr. Pettit—

H. B. 537. A bill to amend an act, entitled "An act relating to State penitentiary," approved 1893, and declaring an emergency ; referred to the Committee on State Prisons and House of Reform.

By Mr. L. E. Thomas—

H. B. 538. A bill requiring railroad corporations, and other persons operating and controlling railroads, and land-owners, to fence their right of way and railroad track, and to construct barriers and cattle-guards at certain public roads and highway crossings, and to maintain and keep in repair, and prescribing remedies and penalties for failing to do so ; referred to the Committee on Internal Improvements.

Mr. W. H. May, from the Committee on Municipalities, reported H. B. 539, who originated the same, entitled

A bill for the government of cities of the second class.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz:

H. B. 445. An act for the incorporation and regulation of town and county co-operative or assessment fire insurance companies:

H. B. 480. An act to protect the fish in the waters of this State;

H. B. 510. An act to amend an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonded indebtedness of the county,' " etc. ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. Harlow, from the Committee on Charitable Institutions, reported H. B. 508, entitled

A bill creating a chronic asylum for female insane out of the school for the training and education of feeble-minded children.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Stephenson, from the Committee on Municipalities, reported S. B. 230, entitled.

An act for the government of cities of the fourth class,

With sundry amendments proposed thereto by the committee.

Said bill was read as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The several cities of the fourth class shall be bodies politic and corporate, under the respective names they now have, and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred. Each city, as constituted and continued by this act, shall succeed to all and singular the property rights, and be liable for the obligations of such city as they are at the date when it shall take effect.

§ 2. The corporate powers of each city shall be divided into a legislative, executive and judicial department, and neither of said departments shall exercise any powers properly belonging to either of the others, except as herein provided.

LEGISLATIVE.

§ 3. The legislative power shall be vested in a mayor and not less than six nor more than twelve councilmen, as may be provided by ordinance; the members of the council shall be qualified voters, *bona fide* freeholders or tax-payers upon personal property situated in the city; residents of the ward for which they stand for at least six months prior to their election, if said city is divided into wards; holds no other civil office, nor be directly or indirectly interested in any contract with said city; nor be in arrears to said city for money collected or withheld without settlement or quietus therefor. The absence of any of these qualifications shall render a person ineligible as a member of such board; and it shall be the duty of the council so to declare, and proceed to fill the vacancy. The mayor may be elected by the people or appointed by the council, as may be provided by ordinance, and shall hold his office for four years, and have the same qualifications as members of the council. Should any officer of said city be directly or indirectly interested as agent or principal in any contract with said city, or as surety on any such contract, he shall thereby vacate his office, and the contract, if entered into before said officer vacates his office, shall be null and void.

§ 4. The members of the board of council shall be elected on the first Tuesday after the first Monday in November every two years; shall be residents of the wards they represent, and shall be elected by a majority of the votes cast by the qualified voters of the wards for which they respectively stand, and may be allowed, by ordinance, not exceeding three dollars for each meeting they attend.

§ 5. The mayor shall be chairman of the board, and in his absence a mayor and chairman *pro tempore* shall be elected

from the members ; but such person shall not perform the functions of the office of mayor unless the regular mayor has been absent from the county for at least three days, or is, for any reason, unable to discharge his duties. A majority shall be a quorum of the board with power to act, and in the absence of a quorum two members shall have power to adjourn from time to time until a quorum is secured. In case of a vacancy in the board by death, resignation, or any other cause, such vacancy shall be filled as hereinafter provided. The board shall meet at such times and places as shall be provided by ordinance. It shall judge of the eligibility and election returns of its members, adopt rules for its proceedings and government, and enforce the same by appropriate fines, not exceeding ten dollars for each offense ; and three-fourths of the members voting affirmatively may, for any good cause, expel any member.

§ 6. A clerk of the council shall be elected by the council or by the voters of the city as may be prescribed by ordinance, who shall keep a complete record of all proceedings. Immediately after the adjournment of each meeting of the board, every ordinance passed at that meeting shall be published at least once, in some newspaper published in the city, or by handbills, and such publication shall be made before any ordinance is enforced ; and it shall be the duty of the clerk to have such publication made, and to preserve a copy thereof.

§ 7. The record and official proceedings of the board of council are hereby declared to be public records, and shall be preserved and entitled to full faith and credit as such, and official copies may be read in all courts of the Commonwealth with like effect as of other public records, and copies of an ordinance shall be *prima facie* evidence of its legal adoption, as required herein.

§ 8. No ordinance for the improvement of streets or sidewalks, or for the assessment of any tax, or for the establishment of any license, shall be valid unless the yeas and nays thereon be recorded in the journal of proceedings. Any member of the board of council may call the yeas and nays on any vote.

§ 9. The board of council, in addition to other powers herein granted, shall have power within the city :

1. To pass ordinances not in conflict with the Constitution or laws of this State or of the United States, and to impose and collect license fees and taxes on stock used for breeding purposes, and on all franchises, trades, occupations and professions.

2. To levy and collect for municipal purposes an annual ad valorem tax, not exceeding seventy-five cents on every hundred dollars of all property made taxable by law for State purposes ; in addition, not exceeding fifty cents on the hundred dollars' worth of property taxable for State purposes, for the maintenance of public schools, or the erection of buildings for public school purposes ; and not exceeding fifty cents to meet the principal and interest of any bonded debt hereinafter authorized.

3. To levy and collect annually, upon every male resident of the city, twenty-one years of age or over, a head or personal tax, of not exceeding one dollar and fifty cents per capita.

4. To borrow money for making public improvements, upon the credit of the city, and pledge the revenue for the payment thereof; but the bonded indebtedness so created shall not exceed the constitutional limitation at any time.

5. To appropriate money to provide for the payment of the debts and expenses of the city.

6. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within one mile of the city; to establish and regulate hospitals or pest houses in or outside of the city; to make all regulations necessary to secure the general health of the inhabitants of the city, and to regulate and provide for the burial of the dead.

7. To prevent and remove nuisances at the cost and expense of the owners or occupants, or of the parties upon whose ground they exist, and define and declare by ordinance what shall be a nuisance within the limits of the city, and to punish by fine any person for causing or permitting a nuisance.

8. To provide the city with water, or erect, purchase or lease water-works and maintain same, or to make all necessary contracts with any person or corporation for such purposes; to erect hydrants, cisterns, fire-plugs and pumps in the streets within or beyond the limits of the city.

9. To construct and maintain sewers, bridges and culverts, and regulate the use of the same, clean, ornament and keep in repair or provide for the cleaning of streets, alleys, public ways and public grounds, and to drain the streets and public places, and to condemn lands for draining and sewerage purposes, in the same manner and under the same proceedings required in condemning lands for opening and widening or extending streets. Nothing herein to be construed to relieve any railroad company or turnpike company of any obligation it may be under to build or keep in repair any bridge, culvert or street, whether the same be by contract or by charter. And if any city shall repair any such street, culvert or bridge, it may recover the cost and expense of the company under obligation to build or repair such bridge, culvert or street, and the city may recover the same in any court of the county having jurisdiction of the amount.

10. To provide for the lighting of the streets, market-houses and other public buildings, rooms and offices, with gas or in any other manner.

11. To erect market-houses, and provide for the government and regulation thereof.

12. To license, tax and regulate auctioneers, merchants, retailers' stores, peddlers, brokers, pawnbrokers, tobacco factors, public halls, lectures, concerts, and other places of amusement, or any trade, occupation or profession.

13. To license, tax, regulate or suppress lectures, theatrical and other exhibitions, circuses, shows and amusements within said city, or within one half mile of the limits thereof.

14. To license, regulate or tax, restrain and prohibit billiard tables, shooting galleries, skating rinks, lottery offices of lotteries legally authorized by the State of Kentucky, or agents thereof; bowling saloons and ten-pin alleys; to pass ordinances inflicting fines on drunkenness and breaches of the peace; for keeping gaming houses, bawdy or disorderly houses of any kind. To restrain, suppress and punish indecent or obscene conduct or exhibition, or the use of obscene or profane language; and to restrain and punish vagrants, prostitutes, rakes and whoremongers; and to license, tax and regulate auction sales within the city limits: *Provided*, That no billiard table, pool table, pigeon-hole table, or bowling alley shall be allowed to be kept, with or without playing thereon, in any room where liquors are sold at retail to be drunk on the premises.

15. To license, tax and regulate wagons, drays, hacks and all kinds of vehicles, and livery stables, pork-houses, exchange offices, telegraph offices, insurance offices, or the agents keeping the same; express offices, or agents of the same; real estate agents, hotels, taverns, restaurants, clubs, public boarding-houses entertaining transient guests, or other houses of public resort or entertainment; or any other business or occupation licensed or taxed by the State; and to license and tax any carrier of passengers or freight for hire within the city.

16. The council shall have power to provide for the prevention and extinguishment of fires and to regulate and establish fire companies; to provide for or elect firemen, prescribe their duties and fix their compensation; and the volunteer members of such companies who receive no pay shall be exempt from serving on juries in the city court and of paying poll-tax so long as they remain active members of such company. Also, to regulate and restrain the erection of wooden buildings, and to provide for the removal of same when built contrary to the ordinances of the city, and to provide for the condemnation and removal of unsafe walls, and to require that all new buildings shall be erected as to their safety, subject to the approval of the city engineer or other designated authority: *Provided*, No building shall be erected except by permission of the board of council.

17. To regulate the storage of gunpowder, rosin, tar, pitch, cotton, oil and all other explosives and combustible material, and to appoint some suitable person or persons, at seasonable times, to enter and examine such houses as they may designate, in order to ascertain whether any of such houses are in a dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in safe order and condition.

18. To erect and keep in repair accurate public scales, and to appoint a public weigher or weighers to attend to the same, and

to fix fees and compensation for his services ; to establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases where the same are not provided for by law.

19. To pass ordinances requiring all coal sold, and to be delivered in or out of the city, to be weighed by the public weigher, and to fix adequate penalties for the violation of the same. Also, requiring all illuminating oils being sold in the city to be inspected by the public inspector.

20. To control, regulate and determine the use and location of butchers' shops, slaughter-houses, glue factories, breweries, distilleries, livery stables, blacksmith shops and foundries.

21. To provide for and regulate the inspection of butter, lard and other provisions ; to regulate the vending of meat, and all other articles of food for consumption within the city limits.

22. To erect a work house, poor-house, station-house and house of correction, or all or either of them ; and to provide for the maintenance, regulation and government thereof, and of the persons confined therein ; and to provide, maintain and regulate a public burial ground. To establish, maintain and regulate a local public library, and raise subscription, donations and gifts thereto.

23. To exact and compel persons arrested and held under a *capias pro fine* from the police or city court to perform such reasonable work as may not be detrimental to health, either in any work-house or station-house or county jail, or on the streets of said city, or in preparing curbing or other material for the same, or to do any other useful labor on public property ; to regulate such labor and fix the wages to be allowed therefor.

24. To fix, by ordinance, the penalty for the violation of the provisions of this charter, or any municipal ordinance or by-law, and enforce the same by warrant or summons, and no indictment shall be necessary.

25. The board of council may grant the right of way over the public streets or public grounds of the city to any railroad company or street railroad company, on such conditions as to them may seem proper, and shall have a supervising control over the use of same, and shall regulate the speed of cars and signals and fare on street cars ; and under like condition and supervision may grant the right of way that may be necessary to gas companies, water companies, electric light companies, telephone companies, or any like companies ; and may compel any railroad company to erect and maintain gates at any or all street crossings, and to prevent railways from blocking or obstructing the streets or public ways of the city, and to fix penalties for the violation of these provisions: *Provided*, That nothing herein shall be construed to prevent any property owner, whose property may abut on a street on which a railway may be granted a right of way, from recovering from such railway any damage that may be done to said property by the occupation or uses of said street by such railroad.

26. The board of council, aside from the indebtedness herein authorized, shall have no power to incur an indebtedness on behalf of the city which can not be met out of the revenue of the current fiscal year; but nothing contained in this act shall be construed to prevent any city having an indebtedness contracted under laws existing at the date of the adoption of the present Constitution of Kentucky from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected; and the city council shall have the right to bond any indebtedness now existing for a period not exceeding ten years.

27. The council shall have power, by ordinance, to license, permit, regulate or restrain the sale of all kinds of vinous, spirituous or malt liquors within the limits of the city, or to restrain or prohibit the sale thereof within one mile of the limits thereof, provided that nothing herein shall be construed as granting the power or right to one town or city to license, permit, regulate, restrain or prohibit the sale of vinous, spirituous or malt liquors in any other town or city, and may fix the penalty or fine for violation of an ordinance under this section at any sum not exceeding one hundred dollars: *Provided*, That no license to sell such liquors, to be drunk on the premises where sold, granted under this section, shall be for a less amount than two hundred and fifty dollars, or for a greater amount than one thousand dollars. For license to sell same by retail, for medical purposes, they may charge not less than fifty dollars or more than five hundred dollars. For license to sell same by retail in quantities not less than a quart they may charge not less than one hundred dollars or more than five hundred dollars. The board of council shall, at any time, have the power and authority to refuse to grant any license, and to suspend or revoke any license granted under or by virtue of the authority conferred by this section, when the board shall deem it necessary so to do in order to preserve the peace or good morals of said towns, and said board of council shall be the exclusive judges of the necessity.

28. The board of council shall have the right to purchase any real estate they in their opinion may need for city purposes: *Provided*, No such purchase shall be made unless same is authorized by the affirmative vote of two-thirds of the members of the council; but all personal property necessary for the use of said city may be purchased as provided by the council.

29. The board of councilmen, by an affirmative vote of two-thirds of the members, can have power to sell and dispose of such property as the city may have the title to.

30. The board of council shall have power, by ordinance, to prescribe the punishment, by fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days, of any person who shall molest, damage or interfere with any system of

water-works laid in said city, or the pipes and mains, hydrants, or any part thereof, and shall have power to punish by ordinance and impose the same penalty, as for damaging or molesting any other public property; and may, subject to the rules of any water company which may establish such system, select persons who shall have the right to open, tap or make connection with such pipes or mains in streets, alleys or public ways of said city. The board of council shall have the right to establish and maintain a pound, and make proper regulations for the impounding, keeping stock, fixing fees for same and the release of same, and regulate and prohibit the running at large of stock on the streets of the city.

31. The board of council may, by ordinance, exempt manufacturing establishments and the machinery from taxation for a period not exceeding five years from their establishment in said city.

32. Said city council shall have legislative power to make by-laws and ordinances for the carrying into effect of all the powers herein granted for the government of the city, and to do all things properly belonging to the police of incorporated cities.

33. If at any time the board of council shall deem it necessary to incur any indebtedness, the payment of which can not be met without exceeding the income and revenue provided for the city for that particular year, they shall give notice of an election by the qualified electors of the town to be held, to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of the indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as herein provided. Such notice shall be published for at least two weeks in some newspaper published in, or of general circulation in, such town, or by posting written or printed notices at three or more public places in such town. If, upon a canvass of the votes cast at such election, it appears that two-thirds of all the qualified electors in such town shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same. But such indebtedness shall not in any event exceed the limit provided in the Constitution for cities of the fourth class. And in such ordinances provision shall be made for the levy and collection of an annual tax upon all real and personal property subject to taxation within such town, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the board of council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the

treasury as a separate fund, to be inviolably appropriated to the paymnt of the principal and interest of such indebtedness.

§ 10. *Police Force.*—The board of council shall have power to appoint a police force, the number, grades and all regulations thereof, to be provided by ordinance from time to time, whose term of office shall not exceed two years from the date of election, subject to removal for cause.

§ 11. No person shall be eligible as a policeman who is not at the time of his appointment a citizen of the United States and the State of Kentucky, a resident of the city for at least six months, at least twenty-four years of age, or who is not moral, sober and sagacious, or who has been convicted of a felony, or who can not read or write the English language intelligibly, or who shall, after his election, or while a member of the police force, interfere in any election further than to vote.

§ 12. Every policeman shall take an oath faithfully to perform the duties of his office, and that he possesses the several qualifications required in this charter, and that he will not, while he remains a policeman, interfere in an election further than to vote.

§ 13. The chief of police and every policeman shall have power to execute warrants of arrest, processes, subpoenas and attachments for witnesses, whether the same be directed to them or not. They, and each of them, shall have the same power of arrest as is prescribed by the general law for any offense against the ordinances or municipal regulations of the city; and the same power of arrest for any offense against the Commonwealth of Kentucky that the sheriff has. Fees for any services under this section shall be the same allowed by law to sheriffs and other officers for such services, but shall be paid into the city treasury: *Provided*, Arrests may be made for drunkenness or disorderly conduct at any time without warrant.

§ 14. The police jurisdiction of the city shall extend to any point in the county within two miles of the boundary of the city.

§ 15. Every policeman, before he enters upon the duties of his office, shall give bond, with approved surety, before the mayor, to the Commonwealth of Kentucky, in the sum of one thousand dollars, for the faithful performance of the duties of his office; and for any unlawful arrest, or unnecessary or cruel beating or assault in making an arrest, he and his bondsmen shall be liable to the person so injured on said bond.

§ 16. Persons arrested for any bailable offense may be placed in the station-house or county jail, if necessary, for safe-keeping until taken before the police court for examination.

§ 17. The mayor or chief executive shall see that the laws and ordinances of the city are duly enforced and observed, and are faithfully executed. He may require information, in writing, from all officers of the city upon any subject relating to the duties of their respective offices.

§ 18. The mayor or chief executive may, with two councilmen selected by the city council, at their first regular meeting in each fiscal year, upon due investigation, and in the exercise of a sound discretion, remit or suspend the imprisonment portion of any sentence, and the fine, when the defendant is confined for the non-payment of the fine, when such punishment shall have been imposed for violation of any ordinance.

§ 19. The mayor or chief executive shall be the head of the police of the city, and may command them in the performance of their duties. He shall be a conservator of the public peace, and when deemed necessary by him to enforce the laws of the city to save life or property, or to quell riots or mobs, he may summon into service any of the citizens, either civil or military, and in such cases he must be present and command in person. The board of council shall, by ordinance, prescribe suitable fines and penalties for disobedience of the mayor's orders and summons.

§ 20. The mayor or chief executive shall preside at all meetings of the board of council, and decide all points of order. He shall only vote in case of a tie. He may call special sessions of the board of council by reasonable notice, whenever, in his judgment, it may be necessary, and shall do so upon the written request of four members of the council. He shall perform such other duties as may be prescribed by ordinance not inconsistent with this charter.

§ 21. It shall be the duty of the mayor or chief executive to sign the proceedings of every meeting of the board of council, when the same shall have been written up by the clerk and approved by the board of council. The mayor shall have power to approve or veto any ordinance or resolution. Any ordinance or resolution vetoed by the mayor or chief executive may be passed over the veto by a vote of two-thirds of the whole number of councilmen elected; and should the mayor refuse to sign any ordinance or resolution, or return the same to the city clerk with his objection, in writing, within ten days after its passage, the same shall take effect without his signature. In any ordinance appropriating money, the mayor or chief executive may veto any single item therein; and if such item be not passed over the veto, in the same manner as herein provided, such item shall be disallowed.

§ 22. *Chief of Police.*—The board of council shall have power to appoint a chief of police, or he shall be elected by the voters of the city, as may be prescribed by ordinance, who shall hold his office for a term not longer than two years, or until his successor is appointed or elected and qualified, subject to the power or removal for good cause at any time by the board of council.

§ 23. The chief of police shall be second in command to the mayor of the police force of the city. He shall attend all sessions of the board of council, execute the orders thereof, and preserve order thereat.

§ 24. The chief of police shall attend the sessions of the city court, and act as sheriff at said court. It shall be his duty to execute all processes, orders and judgments of said court, that may be directed to him, and he shall be entitled to the same fees for like services, and to the same remedies for collecting his fees, that a sheriff is entitled to. It shall be lawful for the board of council to pay him a salary in addition to his fees of not exceeding five hundred dollars per annum, to terminate when he ceases to hold his office. He may appoint a deputy or deputies, by and with the advice and consent of the board of council, and special or extra police, by and with the advice of the mayor or chief executive; and said extra or special police, appointed for less than a week, shall take the oath prescribed by law, but shall not be required to execute bond. He may appoint a deputy or deputies, by and with the advice and consent of the board of council, who shall have the same powers and perform all the duties required of the chief of police, except that he shall not have any command over the police force of the city: *Provided*, The board of council may pay the chief of police a salary instead of the fees above allowed, in which case the fees are to be paid into the city treasury.

§ 25. It shall be the duty of the chief of police or his deputies to cause proceedings to be instituted against any person carrying on business, or doing any act for which a license is required without paying such license.

§ 26. The chief of police and his deputies, if any be appointed, before entering upon the discharge of their duties, shall execute bond, with good surety, in the sum of \$2,500, to be approved by the board of councilmen, to the Commonwealth of Kentucky, for benefit of whom it may concern, that they will faithfully discharge all the duties of the office, and pay over all sums of money that may come into their hands to the person entitled thereto; and for any unlawful arrest, or unnecessary or cruel beating or assault in making an arrest, they and their sureties shall be liable to the person so injured on said bond.

§ 27. The board of council, as soon as they are organized under this charter, or as soon thereafter as practicable, and biennially thereafter, may appoint a city attorney, who shall prosecute all pleas of the Commonwealth, and all warrants or proceedings instituted for violation of the ordinances or municipal regulations of the city in the city court. The board of councilmen shall allow him a reasonable compensation for his services. No person shall be eligible for city attorney except he be twenty-four years of age, have been a practicing lawyer for at least two years, and a resident of the county for at least six months before his election. He shall take the oath required by a Commonwealth attorney, which oath shall be conformed to this office. The city attorney shall hold his office for a term of two years, subject to removal at any time for good cause by the board of council. It shall be the duty of the city attorney, further, to

attend the meetings of the board of council, advise it in all matters of litigation or legal proceedings, and perform such other duties in his department as the board of council may require.

§ 28. *Judicial Department.*—The judicial powers of the city shall be vested in and exercised by a court styled “police court,” which shall be held by a single judge called the “judge of the police court,” who shall be elected by the people at the general election in November, or appointed by the board of council, as the board may determine by ordinance, and who shall hold his office for the term of four years, and who shall take the same oath that circuit judges are required by law to take: *Provided*, That the terms of office of police judges who were elected for four years at the August election, 1890, shall expire August 31st, 1894, and the terms of police judges elected in November, 1893, shall begin September 1st, 1894, and continue until the November election, 1897, and until their successors are elected and qualified.

§ 29. No person shall be eligible to the office of judge of the police court unless he be at least twenty-four years of age, and shall be a licensed practicing lawyer, or shall have heretofore acted as police judge for two years next preceding his election, and who has resided within the limits of the city at least six months next preceding his election.

§ 30. When from any cause the judge of the police court fails to attend, or if in attendance can not properly preside in a cause pending in such court, the attorneys of the court who are present shall elect one of the members of the bar then in attendance, who shall possess the same qualifications prescribed by this charter for the regular judge, to hold the court for the occasion; and he shall accordingly preside and adjudicate, having first taken the oath, as prescribed for the regular judge in this charter. The election shall be held by the clerk of the court; and in case of a tie, he shall give the casting vote; and if there be no clerk, by the city attorney; and if he be not present, by any member of the bar of that court whom the members of the bar present may select. The person thus elected, during the period that he acts, shall have all the power and be liable to all responsibilities of the regular judge of said court.

§ 31. The judge of the city court shall be commissioned by the Governor; he shall be a conservator of the public peace, and may order arrests for all offenses against the laws of the State or ordinances of the city; and for those committed within his presence he may order arrests without warrant. He shall have full power and authority to require bail, and receive the acknowledgment and execution of recognizances of bail in all cases coming before him in which bail is or may be authorized hereafter, or required by the laws of the land, and to take recognizances or bail for good behavior and to keep the peace, the same as circuit courts have, and like power to take the same as forfeited, and pronounce judgment thereon, and to enforce

full compliance therewith. Said court shall have the power as an examining court in all cases except homicide, and shall have original concurrent jurisdiction within the limits of the city of all offenses within the jurisdiction of justices of the peace. The city court shall have civil jurisdiction co-extensive with the county, and equal to that of justices of the peace. Said court shall have jurisdiction over affrays, riots and routs, breaches of the peace, unlawful assemblies, and cases of indecent or immoral behavior or conduct calculated to disturb the peace and dignity of said town; over all cases of drunkenness, running horses, profane swearing, firing guns or pistols, carrying concealed deadly weapons, making reports by burning powder or crackers, or otherwise, blowing horns, flying kites, crying aloud by day or night, and all other riotous conduct whatsoever within said town; all of which are hereby declared to be misdemeanors, for which fines or imprisonment, or both, may be prescribed by ordinance. He shall have exclusive jurisdiction of all offenses or causes arising out of ordinances enacted by the council for the enforcement of the powers granted them by law. He shall have power to issue summons for witnesses in cases pending before him, and, upon their failure to attend, may award compulsory process to compel their attendance. He shall have power, without the intervention of a jury, to fine and imprison for contempt, provided the fine shall not exceed \$10, nor the imprisonment twelve hours. He shall have power and authority to administer oaths, take depositions and grant injunctions, issue attachments and distress warrants, writs of *habeas corpus*, in the same manner and under the same restrictions and in the same causes that county judges are now or may hereafter be authorized by law. In all trials under the ordinances of the city, when no jury is required, the court shall tax one dollar as the judge's costs therein. In jury trials, under the ordinances of the city, the court shall tax two dollars as the judge's costs therein.

§ 32. The said judge shall be clerk of his own court; but it shall be lawful for him to appoint a deputy clerk, who may perform all the duties of the clerk of said court, and who shall take the same oath of office as is required by law of a deputy clerk of a court.

§ 33. The fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction; but fees in all other than civil cases shall be paid into the city treasury. The board of council shall pay said judge a reasonable compensation for his services.

§ 34. It shall be the duty of said judge each month to furnish the board of council a statement, under oath, of all fines and forfeitures imposed by him during the month preceding, as may appear from the records of this court; and the chief of police shall make monthly settlement with the board of council of all fines and forfeitures collected by him.

§ 35. All fines and forfeitures recovered in the police court in the name of or in favor of the Commonwealth of Kentucky, for violation of the penal laws committed within said city's police jurisdiction, is hereby granted to the city, and when collected, after payment of all fees and costs, shall be paid to the treasurer of said city.

§ 36. The said court shall have no jurisdiction of cases involving the title of real estate, or the enforcement of liens thereon; and in all actions begun in said court, if it appear that an adjudication upon the question of title to real estate or the enforcement of a lien upon real estate is necessary to a final settlement of the controversy, said court shall at once make an order transferring the action to the circuit court of the county, and shall forthwith cause the original papers in the case, together with a transcript of all orders made therein, to be filed in the office of the clerk of said court, and thereupon the actions shall proceed in the last-named court as if originally brought therein. The clerk of the police court shall be entitled to a fee of one dollar for every case so transferred, together with his legal fees for making the transcript, to be taxed as costs against the unsuccessful party.

§ 37. Appeals shall be from the judgment of said court to the circuit court of the county in all cases where the fine is more than twenty dollars. In cases where fines of twenty dollars or less are imposed or authorized under ordinances, the legality of such ordinances may be tested by either party by an appeal to the circuit court of the county. Where any judgment shall be rendered from the circuit court of the county, as provided for in this section, either the city or the accused may appeal to the Superior Court or the Court of Appeals.

§ 38. In all civil cases an appeal shall lie to the quarterly court or to the circuit court of the county, where the amount exceeds twenty-five dollars exclusive of interest and costs, and under the rules and regulations prescribed by law for appeals from inferior courts to circuit courts.

§ 39. The said court shall be a court of record, and have a seal, which shall be provided by the board of council and kept in the custody of the judge of said court or his deputy clerk, if he shall so direct; and copies of the records of said court, certified over the signature of the judge or deputy clerk, shall be evidence in any court of this Commonwealth.

§ 40. The said court shall be holden at such place within the city as the board of council may designate or provide; and in case no place shall be designated or provided, at such place within the city as the judge may select.

§ 41. The said court, so far as it is a police court or court of inquiry, shall always be open for the hearing and determining of such causes as are within its jurisdiction; and for the trial of civil cases there shall be a monthly term, to be held on the first Tuesday in each month, and continue as many days as the business may require.

§ 42. The pleadings, practice and mode of proceeding in said police court shall be governed by the "Kentucky Code of Practice," as it may hereafter be amended, in civil and criminal cases.

§ 43. The proceedings in said court shall be in the name of the Commonwealth of Kentucky, when the offense charged is a violation of the laws of the State, and in the name of the city when the offense charged is a violation of the laws of the city. The process shall be in the name of the Commonwealth of Kentucky, shall be made returnable to the police court, and shall be directed to the chief of police, unless for special reasons, the judge of said court shall cause it to be directed to another, when it shall be directed to any sheriff, constable or policeman.

§ 44. All fines and forfeitures recovered shall be collected by the chief of police, or other officer to whom execution or *capias pro fine* is directed, and shall be paid by him to the city treasurer; but before the issual of final process the defendant may pay the fine or forfeiture to the chief of police, who shall pay it to the treasurer as aforesaid.

§ 45. A return "not found" on a *capias pro fine* and of "no property found" on a writ of *feri facias* issued on any judgment in the said court, shall authorize an attachment in favor of the Commonwealth, or of the city against the choses in action or effects of the defendants or defendant, in the same manner that a return of "no property found" authorizes an attachment in equity on judgment in the circuit court.

§ 46. Upon all judgments of fines rendered by the city court, whether in favor of the Commonwealth or for the city, it shall be lawful for the city attorney to cause a *fi. fa.* to be issued, to be levied on the estate of the defendant, or to take a *capias pro fine*, requiring the imprisonment of the defendant in the city work-house, if there be one, or the county jail, or confined at work upon the streets of said city or in said work-house, at the rate of one dollar per day until the fine and costs are paid, unless such rate of wages shall be changed by the board of council; and when any fine or costs shall be paid by labor, the city shall not be liable to any officer for any part of such fine or cost. The defendant may at any time replevy said fine for three months by executing a bond, with good surety thereon, for amount of fine and costs and six per cent. interest thereon.

§ 47. Witnesses in penal cases shall be allowed the same fees as are allowed witnesses in circuit courts, to be taxed as costs, and to be payable only in cases where judgment goes against the defendant and is collected.

§ 48. In all cases where persons are presented to said court, charged with an offense within its jurisdiction, the judge may hear and determine the case, and impose such fines without the intervention of a jury; but in all cases where the fine may be more than twenty dollars, the defendant may demand that the

issue of fact be tried by a jury ; and in all cases of drunkenness or disorderly conduct, in addition to imposing a fine, he may hold the offender to bail in any sum, not exceeding one thousand dollars, to keep the peace and be of good behavior for any length of time not exceeding one year, or he may impose the fine without holding to bail ; and thereupon the offender shall be forthwith committed to the work-house, station-house or county jail, and shall there be kept in custody until the bail is given or the time for which it was required shall have expired, and until the fine and costs are paid or replevied, or satisfied by labor as provided by law.

§ 49. *Assessor.*—No person shall be eligible to the office of assessor unless he be at least twenty-four years of age, a citizen of the State of Kentucky, and a resident of such city for at least six months before his election ; and said assessor shall be appointed by the board of council or elected by the voters of the city, as may be prescribed by ordinance.

§ 50. The assessor, before he assumes his duties, shall take an oath faithfully to perform the duties of his office without favor to rich or poor, and shall execute a bond to the city for the benefit of whom it may appear, with one or more approved sureties, convenanting that he will faithfully discharge all the duties of his office. The board of council shall, by ordinance, fix the compensation of the assessor.

§ 51. It shall be the duty of the assessor, on or before the first Monday in September of each year, to take a list of all the taxable property in said city and return the same to the board of council ; he shall list the soil as land and every thing attached thereto or built thereon as improvements ; and such improvements owned by a person other than the owner of the soil may be assessed in the name of the owner. It shall be the duty of the assessor to obtain, at the expense of the city, copies of all recorded plats of lands in the city or additions thereto, and keep the same in his office, and to mark thereon from time to time changes in ownership and subdivision or aggregations of the lots. He shall also list all and every kind of personal property in the city, whether belonging to residents or non-residents, that is liable for State taxation, and in the same manner as provided by the law for the county assessor. He shall also list every male resident of the city, twenty-one years of age or over ; he shall list the residents of the city and owners of property in the city together in one or more books, as near as possible in alphabetical order, and the said books shall be ruled in columns, so as to show the above subject to taxation and values. The assessor shall value the several kinds of property at a fair cash value, and the amount of each kind of property shall be set out opposite the owner's name, together with his head tax, if he be a resident, upon said book. It shall also be the duty of the assessor to take a census every two years.

§ 52. An assessment of any lands or improvements shall not

be invalid for being made erroneously in the name of a person other than the true owner, nor shall the lien of the tax be affected thereby; but the assessor or collector shall, upon learning the error, after notifying the true owner or owners by mail, correct the assessment in this respect, and all proceedings for the collection of the tax may then proceed, subject to the right of such owner to have the valuation corrected upon showing good grounds, at a meeting of the supervisors to be called for that purpose.

§ 53. All property taxed according to value shall be valued as of the first day of July in each year; and the person owning the same, or holding the same in the right of another, on that day, shall list it with the assessor, and remain bound for and pay the tax, notwithstanding he may have sold or parted with the property.

§ 54. All taxes levied under this charter shall be due and payable on the first day of December in each year, and the city shall have a lien for the taxes upon any and all property subject to taxation, which lien shall be superior to all incumbrances, prior or subsequent.

§ 55. The assessor shall, before assessing any land or improvements, view the same by himself or an assistant, and, before assessing goods and chattels, go upon the premises where the same, or the greater part thereof, may be found. His failure so to do shall not invalidate the assessment; but a disregard of this duty will be a good cause for his removal by the board of council. Every person owning or holding taxable property in his own right, or as fiduciary, guardian or agent, shall return to the assessor, or his assistants, when called upon, a true list of such property, real or personal, upon blanks therefor prepared by the assessor, together with the value of the personalty and amount of investments, and all other property assessed by the State for taxation, and make oath thereto before said assessor, or one of his assistants, who are hereby authorized to administer the same.

§ 56. The assessor is directed not to assess any property in such a name as A B's heirs or A B's devisees or A B's executor or the like; but he may assess land or improvements thus, as "A B's unknown heirs" or "unknown devisees" or the like, when the names can not be obtained by diligent inquiries. When the joint owners are more than three in number, three of the names, with the addition of "and others," shall suffice; and where remainders or future estates are outstanding, the holder of the particular estates shall be assessed, with the words "holder of present estate," added to his name.

§ 57. The assessor shall call upon persons from whom taxes are collectible, and shall administer to each one an oath to truthfully give in a full and complete list of taxable property of every kind in his or her possession, whether as owner or in the right of another, as of the first day of July last, and that he or

she will true and perfect answers make to any questions asked concerning said taxable property ; and he shall thereupon make out a list and assess the property of such persons. In the case of corporations, this section shall apply to one or more of the officers or agents of said corporations to be found in such city. If any person shall refuse to take such oath, or refuse to give in a list of his or her property, or the property of the person or corporation for which he or she may be agent, attorney or servant, the assessor shall assess the property from the best of his information.

§ 58. If any person, or officer or agent of a corporation, fail or refuse to give a list of his taxable property when called on so to do by the assessor, or give a false or fraudulent list, he shall be returned by the assessor on his books a delinquent, and it shall be the duty of the police court of such city, upon application of the assessor, to issue a rule against such delinquents, and compel true answers by process of contempt, and to adjudge such delinquent the cost of the proceedings.

§ 59. The assessor, by and with the consent of the board of council, may appoint one or more deputies, whose compensation shall be fixed by the council, and who shall possess like qualifications, take a like oath, have like power, perform like duties, and give a like bond to the assessor.

§ 60. *Supervisor of Taxes.*—The board of council shall, in every year, appoint three discreet men, and freeholders, as supervisors of taxes, and fix their compensation. The said supervisors shall qualify by taking oath faithfully to perform the duties of their office without favor to rich or poor ; and they, or any two of them, shall meet in the office of the assessor on the Thursday following the second Monday in September in each year, and shall examine with care the assessor's books, and correct any errors of the assessor that may appear to them, whether in the name of the parties assessed or in the lists or value of the property or otherwise. They shall select a chairman by vote or lot, and he or either of said supervisors are hereby empowered to administer an oath to tell the whole truth concerning his taxable property to any person appearing to have an assessment corrected. The said supervisors shall hear the complaints of any tax payer in person or by an agent or attorney, and they may add to, diminish or increase any list of property or the value thereof, or change the name of the party assessed as may seem to them just. The said supervisors may adjourn from day to day until their work is completed, not exceeding two weeks. They shall be paid not exceeding \$2 per day each. Any failure or informality in the election of said supervisors, or in their meeting or proceedings, shall not affect the validity of the tax. Ten days' notice of the place of meeting of said supervisors shall be given by printed notice, and no list shall be increased unless the said person shall have been cited to appear before said board. The assessor shall meet with said super-

visors. If, for any reason, any property subject to taxation has not been listed, the council may assess same for all the years the same has been subject to taxation, but the same may not be taxed or listed for more than the five years last past.

§ 61. As soon as practicable after the supervisors have corrected the assessment lists they shall be returned to the assessor, who shall from them make out the tax-bills for ad valorem and head taxes for the year, in a stub-book to be devised by the council for that purpose, and he shall sign and turn them over to the city treasurer, and take his receipt therefor, showing the number of bills so turned over and the aggregate amount thereof.

§ 62. The said tax receipts shall be turned over to the treasurer, who shall receipt to the clerk for same; and shall, within ten days after receipt of same, and before the first day of December, and ten days before March first in each year, give notice by printed notice posted for ten days in ten public places in said city, or by such notice for ten days in a newspaper to be designated by the council, that the taxes for the current year are in his hands for collection, and that in default of payment on or before March first the penalty prescribed by ordinances shall be attached. Said receipts shall be indorsed by the treasurer, and all receipts remaining in his hands on the first day of March in each year unpaid shall be indorsed by him "delinquent," and returned to the city clerk, and such receipts found in such tax-list returned by said clerk to be unpaid shall be credited to the treasurer on his receipt. The city clerk shall thereupon proceed to attach the penalty prescribed by ordinances to each tax receipt, not exceeding twenty-five per cent. penalty and interest, and then deliver same to the collector, taking his receipt therefor. Said collector shall proceed to collect same, and, in the collection of same, use the same powers and proceed in the same way as provided by law for the sheriff in the collection of the State revenue: *Provided*, That notice of garnishment shall be returnable to the police court, and said court shall have the same jurisdiction and powers that is given to county courts with reference to State revenue. At sales of property for city taxes the city shall be a competent purchaser, and the mayor shall have the right to make such purchases for the city.

§ 63. At the first regular meeting of the council after the election and qualification, biennially thereafter, they may appoint a collector, who shall hold his office for two years from his appointment, and until his successor is appointed and qualified. The collector shall be over twenty-four years of age, and a resident of the city for six months before his appointment. Before he enters upon his duties he shall take an oath to faithfully perform his duties as collector, and execute bond, with security, to be approved by the council, conditioned for the faithful performance of his duties, and to pay over to the person or persons entitled thereto. It shall be the duty of said collector to collect all dues owing to the town placed in his hands. The council shall allow

the collector a reasonable compensation for his services. All dues owing to the city may be collected by the chief of police.

§ 64. The collector shall take an oath faithfully to perform all the duties of his office. He shall account for and pay into the city treasury all taxes, licenses and other public moneys for which he is bound, at such times and under such regulations as may be prescribed by the board of council. The board of council shall pay the collector a reasonable compensation for his services.

§ 65. All tax bills uncollected, in whole or in part, on the first Monday of April of each year, against any person (not under the disability of infancy, coverture or unsound mind) owning property in his own right, together with interest at six per cent. per annum, shall be deemed a debt from such person to said city arising as by contract, and may be enforced as such by all remedies given for the recovery of debts in any court of the Commonwealth otherwise competent for that purpose; and those bills assessed against an administrator, executor or trustee shall be a charge against the whole succession or trust estate, and may be enforced accordingly, in addition to the other remedies herein given.

§ 66. Every guardian, committee, trustee or other fiduciary, appointed under the laws of Kentucky, or by deed or will recorded in any county clerk's office therein, who has the management of any lands or improvements in said city, and every agent of a non-resident of Kentucky owning property in such city who collects the rents thereof, shall, before the first of April of each year, pay out of the net income of such lands and improvements the city tax assessed upon the same in the preceding year before applying such income to the wants of or paying it over to his beneficiaries or employer, any instructions of the latter to the contrary notwithstanding; and, in default thereof, he shall be liable for such tax to the amount of the income which he might have so applied, which liability may be enforced in equitable proceedings, in which it shall not be an answer that the city has a security in its lien upon the lands and improvements.

§ 67. The collector shall make a full settlement before the board of council for all tax bills put in his hands for collection during the preceding year, and at such time as the board of council may require; and he shall show that he has received the cash for such bills and paid the same to the city treasurer, or have the same duly returned, and show that he has made diligent effort to collect the same. The board of council, if satisfied that the collector has done his duty, shall give him a quietus; but said board may order the assessor to reissue any of such bills, returnable on the first day of May following, and return them to the collector, with orders to make further efforts at collection, which bills must be finally returned by the first day of May following, unless proceedings for their collec-

tion are pending, at such time as the board of council may require.

§ 68. *City Treasurer*.—It shall be the duty of the board of council, at the first regular meeting after their election and qualification, or as soon thereafter as practicable, and every two years thereafter, to elect a competent person to be treasurer of such city for a term of two years, or elected by the voters of the city as may be prescribed by ordinance or until his successor is elected and qualified, and who shall hold the office, subject to removal for good cause at any time. The person elected treasurer before entering into the discharge of his duties, shall take an oath to faithfully perform all the duties of the office; and said person shall execute a bond to said city, with one or more sureties, to be approved by the board of council, covenanting that he will faithfully keep and account for, according to law, all funds that may come to his hands as treasurer; that he will, at any time, when called upon by the board of council, settle his accounts as treasurer, and pay over any money in his hands due the city to any person designated by the board of council, and that he will faithfully perform the duties of his office.

§ 69. It shall be the duty of the treasurer to receive and safely keep all money belonging to the city, and to pay the same as directed by order of the board of council; but he shall only pay out money upon warrants drawn by the mayor or chief executive and countersigned by the clerk of the board of council. He shall keep a fair and accurate account of all his receipts and disbursements, showing when, from whom, and to whom, and for what purpose, and on what account, such moneys were received or paid, and shall exhibit the same, and on the first regular meeting of each month send his monthly report to the city council, whose duty it shall be to have same credited by the finance committee. Every three months he shall make a financial exhibit, giving an itemized statement of all receipts, the sources of such receipts, together with an itemized statement of all disbursements, and the purposes of such disbursements, and have the same spread at large upon the records of his office, and shall annually prepare such an exhibit and have the same published in some daily or weekly newspaper having a general circulation in said city. He shall perform such other duties as may be required of him by ordinance not inconsistent with this act, and shall receive such compensation for his services as the said board may provide.

§ 70. If the treasurer fails to execute his bond for twenty days after his appointment, the office shall, by order of the board of council, be declared vacated, and the vacancy be filled by said board. The board of council may at any time require and notify the treasurer to execute a new bond, or give additional security; and upon failure, within five days after such notice, to execute new bond or give additional security, the office may, by order of the board, be declared vacated, and another person appointed.

§ 71. City officers are prohibited from buying, discounting or dealing in any way in vouchers or claims against said city under a penalty of ten dollars for each offense.

§ 72. No person shall be entitled to vote in any city election of cities of the fourth class unless he be a male citizen of Kentucky over twenty-one years of age, and a *bona fide* resident of the city for six months and the ward in which he offers to vote for thirty days next before the election: *And provided further*, That such person shall have paid his poll-tax thirty days before the election, and have been registered as provided by law, and shall not be in arrears for any poll-tax levied after the passage of this act, and within three years before he offers to vote. It shall be the duty of the treasurer, upon payment of the poll-tax, which shall not be less than \$1.50 for each legal voter, to enter his name, ward and residence in a book kept for that purpose, and to furnish a list of the registered voters in each ward to the officers of the election before the opening of the polls.

§ 73. All municipal elections in such city shall be held at such place or places as may be designated by the board of council from time to time. Every voting place must be designated or established at least ninety days before the election. Notice of the establishment or designation of any voting place, or of any change in the voting place, shall be posted in at least five of the most public places in the district affected, and shall likewise be published in some newspaper for at least two weeks prior to the election.

§ 74. The officers conducting the municipal elections herein provided for shall, within two days after the election, certify under oath to the board of council the names of the persons elected, and return the certificates, together with the poll-books, to said board, and the certificates so returned shall be recorded by the clerk of said board in his official book.

§ 75. Whenever any two or more persons shall receive the highest and an equal number of votes for the same office, such election may be determined by lot in such manner as the board of council may direct, and in the presence of said board of council and at least three other persons. The municipal elections provided for in this act may be contested in the manner provided by law for contested elections of county officers.

§ 76. That all laws in force in this Commonwealth providing for the punishment of illegal voting at the State elections shall apply to illegal voting at the city elections held under this act, subject, however, to the provisions herein touching the qualifications of voters.

§ 77. *Public Ways.*—Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares, and the same shall be under the exclusive management and control of the city, with powers to improve them by original construction, or to reconstruct them, as may be prescribed by ordinance.

§ 78. All streets, alleys, roads and public ways which have been or may hereafter be conveyed or dedicated to and accepted by said city, within the boundary of said city, or acquired by condemnation, are hereby declared to be the streets, alleys and public ways of such city.

§ 79. The board of council may, by ordinance, cause any new public way to be opened or old public way to be extended or widened, or may establish any market, and to that end may purchase any necessary land, or may procure the same to be condemned by the same proceedings now or hereafter given by law to railroad companies in like cases.

§ 80. The board of council shall have power to cause any of the public ways to be graded, paved, macadamized, curbed or guttered, in such manner as it may, by ordinance, prescribe.

§ 81. The original construction of any street, road, alley or avenue may be made at the exclusive cost of the owners of lots in each fourth of a square, to be equally apportioned by the board of council, according to the number of square feet owned by them respectively, except that corner lots (for twenty feet front, and extending back as may be prescribed by ordinance) shall pay twenty-five per cent. more than others for such improvements. Each subdivision of territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares on either or both sides by principal streets, the ordinance providing for the improvement for such public ways shall be the depth on the side or sides not defined in the square fronting said improvement, to be assessed for the cost of making the same, according to the number of square feet owned by the parties, respectively, within the depth as set by ordinance: *Provided*, That any city may provide by ordinance that such original construction shall be paid by the city, either in whole or in part.

§ 82. The cost of reconstructing public ways, streets or alleys, or repairing of the same, and the cost of making foot-way crossings, shall be borne exclusively by the city.

§ 83. The cost of making sidewalks, including curbing and guttering, whether by original construction or by reconstruction, shall be apportioned to the front foot as owned by the parties respectively fronting said improvements, except that each corner lot shall have its sidewalk intersection included in its frontage.

§ 84. A lien shall exist for the cost of the original improvement of public ways for the construction and reconstruction of sidewalks, to take effect from the acceptance of the work by the city engineer or board of council for the apportionment, and six per cent. per annum interest thereon against the respective lots; and payments may be enforced upon the property bound therefor by suit in equity, and no error in the proceedings of the board of council shall exempt from payment or defeat said lien after the work has been done as required by ordinance; but the

board of council, or the courts in which suits may be pending, shall make all corrections, rules and orders to do justice to all parties concerned; and if such improvements be made, as provided for by ordinance, in no event shall said city be liable therefor without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned herein shall take effect until it is passed by a ye and nay vote at two meetings of the board of council at least two weeks apart, at least a majority of councilmen voting in the affirmative, and until the ordinance as first passed shall have been published for at least one week in some newspaper in said city, unless said improvement be asked by a petition signed by persons owning a majority of the property liable therefor, when the ordinance may be passed at one meeting of said board by a majority ye and nay vote.

§ 85. The board of council may, in its discretion, upon the petition of the majority of the property-owners on the part of a public way proposed to be improved, grant them permission to do such work under the supervision of the city engineer or council, and in such time and on such conditions as the said council may fix.

§ 86. In all actions to enforce liens, as authorized by this act, a copy of the ordinance authorizing the improvement of work, a copy of the contract therefor, and a copy of the apportionment, each attested by the clerk of the board of councilmen, shall be *prima facie* evidence of the due passage and approval of the contract, and shall be *prima facie* evidence of every other fact necessary to be established by the plaintiff in such actions to entitle him to the relief authorized to be given in this act; and in such actions the court shall provide, in its order confirming any report of sale, that the defendant, or either of them, or any one claiming through or under them, or either of them, or any creditor of theirs, or either of them, may, within two years from the date of such order confirming a report of sale, redeem the lands sold by paying to the purchaser the purchase price, with interest thereon from the day of sale at the rate of ten per cent. per annum, and all the taxes and assessments on and against such land paid by the purchaser, with interest thereon at the rate of ten per cent. per annum from the date of such payment; and in the event that there be no redemption within the time allowed, the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

§ 87. The clerk of the board of council shall make out all apportionment warrants for which liens are given for improvements of public ways as may be required by ordinance, and within two days thereafter shall enter the same upon a register for that purpose; and when the holder of said warrant shall have obtained payment, he shall notify the clerk of the board of council, and it shall be marked upon the register as paid. The clerk of the board of councilmen shall be allowed a fee of

ten cents for the entry and indexing of such liens. A lien shall not be valid against the purchaser for valuable consideration without notice, unless it shall be so entered and registered within three months of the issuing of the apportionment warrant.

§ 88. The clerk of the council shall issue warrants against the lot-owners in favor of the contractor, stating the amount due him, which shall bear interest from time of the acceptance of the work by the city engineer, and specifying the name of the owner, and give a short description of the lots subject to lien. Warrants so issued shall be *prima facie* evidence that all proceedings preliminary thereto have been complied with as required by law. Upon this warrant the contractor or his assignee may bring suit in equity in the circuit court of the county, joining all unpaid warrants growing out of the same contract in one suit, which shall in all respects be conducted like the suits upon liens and land.

PUBLIC SCHOOLS.

§ 89. There shall be maintained a system of public schools, at which all the children residing in the city between the ages of six and twenty years may be taught at the public expense. Said school shall be under the control of a board to be styled "The Board of Education," consisting of two trustees from each ward in the city, to be elected at the general November election in 1893, by the qualified voters of the city at large. They shall meet and qualify on the first Monday in January after their election. The trustees so elected shall hold their offices one-half for two years and one-half for four years, as shall be determined by lot at the first regular meeting after the election. And at the general election, every two years thereafter, there shall be elected by the qualified voters of the city at large one trustee from each ward in the city in which the term of his predecessor in office will then expire. Said trustees shall possess the same qualifications as are required for a councilman. Said board of education shall continue, and it is hereby declared, a body-politic and corporate, under the name and style of board of education, with perpetual succession, and by that name may contract and be contracted with; sue and be sued; have and use a corporate seal, the same to renew or alter at pleasure; may purchase, receive, hold, lease, sell and dispose of real and personal estate for public school purposes. The control and management of the public schools of the city, and the property and funds thereunto belonging, shall be, and is hereby, vested in said board, subject to the provisions of this law. It shall have power to make by-laws and rules, not in conflict herewith, necessary for the discharge of its duties and the government of its proceedings. It shall meet once in each month, or oftener if necessary, and a majority-elect of said board shall

constitute a quorum for the transaction of business and for the appropriation of money or the execution of a contract. The concurrence of two-thirds of the members-elect of said board shall be indispensable, and the yeas and nays shall be entered of record. The meetings of said board shall be held in some public place, and a correct record of its proceedings shall be kept in a book provided for that purpose, which shall be a public record.

§ 90. Said board of education shall determine the qualification of its members. It shall have the power to fill, until the next general election, all vacancies in said board occasioned by death, removal or other cause.

§ 91. All property now used for public school purposes in the city, or which may at any time be owned by the board of education, and all the funds or means that are now or may hereafter come under the control of the same, are hereby forever dedicated to the use of public schools of the city, and the title to all property, real and personal, in the city, known and used as public school property, is hereby vested in said corporation.

§ 92. Said board of education shall have power to elect or appoint such officers as may be necessary for its own government, and to require covenant, with surety, from any or all officers for the faithful discharge of their duties; to make by-laws not in conflict with this charter, the Constitution or laws of this State, for the carrying out the duties of their office, and for the government of its own officers, schools, teachers, pupils and employes; to determine its own rules of proceedings, and to appoint superintendents, teachers and other officers and employes, and regulate and fix their terms, duties and compensation, and suspend or remove them or any of them for cause. Said board, by and with the concurrence of the city council, may purchase, build or rent any ground, building or buildings, necessary or convenient for the public school purposes, and may make contract to that end; and any property so leased, purchased, or otherwise occupied, may be reserved by terms, deed or lease to the public schools of the city, and if so reserved, shall not be liable for any debt or debts of the city not incurred for public school purposes. Said board may also receive and hold, for public school purposes, any gift or devise.

§ 93. That said board of education shall have the power, two-thirds of the trustees in office concurring therein, to be evidenced upon the call of the yeas and nays, and recorded upon the journal of its proceedings, by and with the concurrence of the city council, to sell and convey such of said school property for the purpose of reinvesting all the net proceeds of the same in the purchase of other lots and building thereon other school buildings. And said board of education shall have no power to divert or apply said fund, or any part of it, to any other purpose whatsoever than for the purchase of grounds and the building thereon school buildings for public school purposes, and if it do so, the same shall be malfeasance in office.

§ 94. Said board of education shall have the power to select text-books for use in said school, and prescribe the course of study, and it shall also have power to hold examinations, determine the qualifications of its superintendent, principals, teachers, and issue certificate to same. It may establish high schools and fix the grade of public schools, and prescribe the rules by which pupils may pass from one grade to another, and from the graded school to the high school. It may also establish and maintain kindergartens and manual training schools in connection with the public school.

§ 95. Said board shall, at the end of each scholastic year, prepare, and cause to be published, a printed statement, showing the number of pupils in each school, with the general condition and educational progress made therein, the amount, character and condition of all funds and other property belonging to said schools, together with such information as may be proper or necessary for the benefit of said schools and the general public.

§ 96. Said board shall, within thirty days prior to the time prescribed for the levy to be made in the charter of cities of the third class, approximately ascertain the amount of money necessary to be used to defray the expenses of maintaining the schools, improving or constructing buildings, etc., thereof, and any liquidation of the liabilities during the current fiscal year, and report the same, together with the estimated amount to be received from the common school fund of the State, interest on bonds, endowments, etc., to the city auditor or clerk, who shall thereupon report the same to the city council, and the said city council shall make the necessary levy, and collect the tax to provide suitable school buildings, and to defray the general expenses necessary for school purposes: *Provided*, That the levy for any one year shall not exceed fifty cents on each \$100 of value of taxable property in the city as returned by the board of equalization. Said tax shall be paid to the board or authorized agent of same as fast as collected.

§ 97. Said board of education shall provide and maintain, out of the funds levied or otherwise provided for the purpose, suitable buildings, teachers, and other employes, sufficient for the education of all children of the city between six and twenty years of age, and shall provide separate buildings and schools for the education of white and black pupils; and no white child shall be allowed to attend any colored school, nor shall any colored child be allowed to attend any white school.

§ 98. The trustees shall, before entering upon the duties of their office, take the oath, or make affirmation, as prescribed by law.

§ 99. No member of the board of education shall be or become, directly or indirectly, interested in any contract, agreement, or trade, touching the building of school-houses, repairing of school property, or use his official position to secure the

patronage of the teachers or employes of the schools. No member of the board of education shall receive any salary for his services as such.

§ 100. Said board of education shall elect its own treasurer and fix bond of same, who shall keep a distinct account of all moneys belonging unto, or which hereafter be dedicated to, or set apart for, public schools, and shall only pay out or deliver any of said funds upon the warrant of the board of education, countersigned by the secretary and approved by the president of the board of education, and shall perform such other duties as may be prescribed by said board.

§ 101. Said board of education shall have exclusive control of all school funds of the city, from whatever source the same may be derived, including the pro rata of the city from the common school fund of the State. It shall have the right to receive all fines, forfeitures and taxes that may inure to the benefit of the public schools of the city. It shall have power to expend all moneys in the interest of the public schools of the city, and the warrants of the board of education, countersigned by the secretary and approved by the president of the board, shall be honored by the treasurer to the amount of the school funds in his custody.

§ 102. All indebtedness, bonded or otherwise, and all liabilities and contracts of the school board, existing at the time this law takes effect, and all taxes, funds, sinking funds or other resources that have been pledged or set apart for the payment for the principal and interest thereof, shall continue unimpaired and remain of the same force and effect as though the same had been authorized and contracted by the express provision of this law.

§ 103. No money shall be drawn from the funds, unless the same shall have been appropriated by order of the board of education, and no appropriation of money shall be made to be paid out of said school funds, unless the money shall actually be in the treasury to meet the draft.

§ 104. Said board of education shall elect from its own number a president, for the term of two years, and may prescribe who shall preside in his absence, and make all necessary rules, prescribing the duties of the presiding officer and the government of itself; and said board shall also elect a secretary, at a salary not exceeding one hundred dollars per annum, whose duty it shall be to keep a record of the proceedings of all regular and special meetings, countersign all warrants and contracts, and whose term of office shall be two years.

§ 105. Said board of education shall have the power and right to establish and maintain a public school library, out of any funds coming into its hands, except that received by taxation, or from the State funds, and also to purchase text-books for indigent children of the city, and to otherwise expend such moneys in the interest of the public schools. Said board of

education shall have the power and right to make rules and regulations governing said school library.

§ 106. Said board shall have power to admit to said school pupils from beyond the limits of the city, and may collect therefrom tuition fees for the benefit of the schools of the city, making deduction of taxes for school purposes on property in said city paid by parents of said children; and no children of persons residing beyond said limits shall be admitted as pupils in any of said schools except on payment of such tuition fees as said board may require.

§ 107. Any city of the fourth class, in which said system of public schools shall be established and maintained, shall constitute one common school district, and the Superintendent of Public Instruction shall pay to said Board of Education every year, out of the common school fund of the State, the same amount per capita for each child of pupil age in said district as he shall pay to each child of pupil age in other school districts in the State.

§ 108. *City Engineer*.—It shall be lawful for the board of council to elect a city engineer, to hold his office for a term of two years. The time for his election, his salary and duties, shall be as may be fixed by ordinance, except as provided herein.

§ 109. The city engineer shall have as many assistants as the board of council may prescribe. The board of council shall pass all needful ordinances to give efficiency to his departments.

§ 110. The board of council shall have power to fill vacancies in any office to which it has the right to elect or appoint.

§ 111. Every citizen of such city shall be exempt from working on the county roads.

§ 112. Vacancies in all offices of the city shall be filled subject to the provisions of the Constitution.

§ 113. The mayor may be allowed an annual salary, to be fixed by the council, and no change in the amount shall be made to take effect during the term for which any mayor is elected or appointed.

§ 114. That all laws, ordinances, resolutions and by-laws now in force in said cities, not inconsistent with this act, shall remain in full force until altered, modified or repealed by the board of councilmen, and those inconsistent herewith are hereby repealed.

WHEREAS, Municipal officers are to be elected under an act, entitled "An act for the government of cities of the fourth class," and numbered Senate Bill 230, at the November election, 1893; and whereas, without an emergency clause said act may not be in force and effect at the time of said election; therefore, be it

Resolved, That an emergency exists (which is hereby declared to exist) for said act to take immediate effect, and this act shall therefore take effect from and after its approval by the Governor.

Said amendments were read as follows :

1. Amend by inserting between the word "ordained" and the word "and," in line 12, the following words: "Enacted not less than 60 days previous to the November election in the year in which the election or appointment is to be made."

2. Amend section 4 by inserting between the word "stand," in line 4, and the beginning of line 5, the following words: "Provided the city is divided into wards, otherwise they shall be elected by a majority of the votes cast by the qualified voters of the city, of which they must be residents."

3. Also by adding at the end of section 4 the following words: "The board of council or board of trustees, as the case may be, of any city not divided into wards, may, not less than 60 days before any November election held for the election of councilmen, divide the city into not exceeding six wards, which shall remain as constituted unless changed or abolished by a future board of council."

4. Amend section 6 by inserting between the word "ordinance" and the word "who," in line 2, the following words: "Enacted not less than 60 days previous to any November election."

5. Amend section 9, subsection 26, by striking out all thereof after the word "collected," in line 151, and inserting in lieu thereof the following: "And in payment of the bonded and floating debt of any such city existing at the time of the passage of this act, authorized by law, the board of council may issue renewal bonds or funding bonds, bearing not exceeding six per cent. per annum interest: *Provided*, That the issual of said renewal and funding bonds shall not exceed the principal of said bonded and floating debt; and said renewal and funding bonds shall not be sold for less than par and accrued interest. All bonds issued by any city shall be signed by the mayor or chief executive and countersigned by the clerk of the city with the seal of the city affixed thereto."

6. Amend section 9, subsection 27, by striking out the word "or," in line 158 and also in line 160, and inserting in lieu thereof in said lines the word "nor."

7. Amend section 9, subsection 32, by adding thereto the following: "Said board of council may change the boundary line of any ward or wards of any city now divided into wards, or hereafter divided into wards, under the provisions of this act, not less than 60 days previous to any November election."

8. Amend section 22 by inserting after the word "ordinance," in line 3, the following: "Enacted not less than 60 days previous to any November election."

9. Amend section 24 by striking out the words "of not exceeding five hundred dollars per annum, to terminate when he

ceases to hold his office," in lines 6, 7 and 8, and inserting in lieu thereof the following: "Which salary must be fixed by ordinance enacted previous to his election or appointment." Also by inserting between the words "salary" and "instead," in line 17, the following: "As may be fixed by ordinance previous to the appointment or election of such chief of police."

10. Amend section 27 by inserting after the word "court" and before the word "the," in line 5, the following: "But the board of council may provide by ordinance, at least 60 days previous to any election, that the city attorney be elected by the qualified voters of the city at the same time and for the same term that the police judge is elected."

11. Amend section 27 by striking out the words "allow him a reasonable," in line 6, and inserting in lieu thereof the following: "Fix by ordinance previous to his election or appointment the."

12. Amend section 28 by inserting after the word "ordinance" the word "and," in line 5, the following: "Enacted at least 60 days previous to any election in November."

13. Amend section 29 by striking out the following words in lines 2, 3 and 4: "And shall be a licensed practicing lawyer, or shall have heretofore acted as police judge for two years next preceding his election."

14. Amend section 33 by striking out all thereof after the word "council," in line 4, and inserting in lieu thereof the following: "Shall fix by ordinance the compensation for his services previous to his election or appointment."

15. Amend by inserting between sections 48 and 49 the following section as No. 48½: "The board of council of any city may provide by ordinance, not less than 60 days previous to the election in November, that the mayor may exercise and perform all the powers and duties belonging to and incumbent upon the police judge as herein prescribed, thereby abolishing the office of police judge and merging it into that of the mayor, in which case the court held by said mayor shall be called the 'mayor's court,' and he shall be 'judge of the mayor's court.'"

16. Amend section 49 by adding thereto the following: "Sixty days previous to any election in November."

17. Amend section 51 by inserting after the word "year," in line 2, the following: "Except the year 1893."

18. Amend section 53 by inserting after the word "year," in line 2, the following: "Except in the year 1893."

19. Amend section 54 by inserting after the word "year," in line 2, the following: "Except in the year 1893."

20. Amend section 63 by striking out line 11 and inserting in lieu thereof the following: "Council shall fix by ordinance, previous to his appointment, the compensation for his services."

21. Amend section 64 by striking out lines 5 and 6 and inserting in lieu thereof the following: "Board of council shall fix by ordinance, previous to his appointment, the compensation for his services."

22. Amend by inserting between section 67 and section 68 the following section as No. 69½: "In and for the year 1893, all taxes for municipal purposes in cities of this class shall be assessed, levied and collected in accordance with the terms, provisions and stipulations of the present charters of the respective cities; but all property not exempted by the Constitution, subject to municipal taxation as herein stipulated, shall be assessed, and shall pay city taxes for the year 1893."

23. Amend section 60 by inserting after the word "year," in line 6, the following: "Except in the year 1893."

24. Amend section 61 by striking out the word "assessor," in line 2, and inserting in lieu thereof the word "clerk;" and strike out the word "treasurer" and insert the word "collector" in line 5.

25. Amend section 62 by striking out the word "treasurer" in lines 1, 9 and 13, and inserting in lieu thereof the word "collector."

26. Also by inserting after the word "receipts," in line 1, the following: "Except as herein provided."

27. Amend section 67 by adding thereto the following: "Banks, trust companies and building and loan associations shall pay their taxes direct to the treasurer, and tax receipts for same shall be turned over to the treasurer by the city clerk, but if unpaid on the first day of March, said treasurer shall return same indorsed by him 'delinquent' to the city clerk, for which he shall be properly credited, and the said taxes shall then be collected as other delinquent taxes."

28. Amend section 68 by inserting after the word "ordinance," in line 5, the words "60 days previous to any November election."

29. Amend section 72 by inserting after the word "election," in line 4, the following: "Provided the said city is divided into wards."

30. Also by inserting after the word "ward," in line 10, the following: "Provided the city is divided into wards."

31. Amend section 74 by striking out the words "board of council," in lines 2 and 3, and inserting in lieu thereof the words "county clerk."

32. Amend by inserting between sections 88 and 89 the following section, to be numbered 88½: "The terms of the officers whose election is herein provided for shall begin on the first day of January succeeding their election."

33. Amend section 89 by inserting after the word "large," in line 6, the following: "Provided said city is divided into wards; but the council may by ordinance provide, not less than 60 days previous to any November election, that the said school trustees shall be elected by a majority of the qualified voters of the city at large voting at any regular election, and also the number of trustees to be elected, not exceeding six, and that they may be elected from the city at large instead of from wards. If the city is not divided into wards, the said school trustees shall be elected by the qualified voters of the city, by a majority of those voting at an election, and the board of council shall, not less than 60 days previous to any election, prescribe by ordinance the number of trustees to be elected, not exceeding six."

Said amendments were adopted.

Mr. Frazee moved to amend section 3 of said bill by striking out of line three these words: "Bona fide freeholders or taxpayers upon personal property situated."

Said amendment was adopted.

Mr. McInerney moved to amend subsection 27 of section 9 by adding the word "not" after the word "shall," in line 155; also by striking out these words: "Be for a less amount than two hundred and fifty dollars."

Said amendment was rejected.

Mr. John S. May moved to amend subsection 27, section 9, by striking out "\$250" and inserting in lieu thereof "\$500."

Said amendment was rejected.

Mr. J. R. Thomas moved to amend subsection 9 by adding thereto these words: "And to regulate by ordinance any nuisance within one mile of the city limits in so far as the sanitary condition of said city may be affected thereby."

Said amendment was rejected.

Mr. Cansler moved to amend section 28 by striking out all after the word "November," in line four, down to and including the word "ordinance," in line five.

Said amendment was rejected.

Mr. Frazee moved to amend section 49, line two, by striking out "24" and inserting "21."

Said amendment was adopted.

Mr. Dickson moved to amend section 62 by adding after the word "collection," in line seven, the words "and are due."

Said amendment was adopted.

Mr. Frazee moved to amend section 68 by inserting the word "order" before the word "elected," in line four; also strike out of lines six and seven "or until his successor is elected and qualified," and insert the same words after the word "time" in line seven.

Said amendment was rejected.

Mr. Birkhead moved to amend section 72 by striking out all after the word "elections" in line four.

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Birkhead and Cansler, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	John Finn,	M. D. McInerney,
B. F. Bennett,	U. G. Harlow,	Thos. S. Pettit,
B. T. Birkhead,	F. W. Hutcheson,	A. T. Pullen,
Polk Cansler,	W. W. Johnson,	W. R. Stewart,
R. F. Comer,	Henry Kremer,	J. R. Summers,
W. J. Cox,	H. P. Lively,	John M. Tinsley—20.
McD. Ferguson,	John S. May,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	D. B. Edmiston,	Eli Nicholls,
Lewis Alexander, Sr.,	George Will. Follis,	W. F. Peak,
W. S. Bailey,	J. M. Frazee,	E. M. Pryse,
W. P. Beard,	Ben. F. Gardner,	C. D. Reed,
John Botts,	J. P. Gay,	R. E. Roberts,
A. J. Carroll,	S. M. Gough,	Waller Sharp,
B. E. Caudill,	Thos. H. Hanks,	S. H. Shouse,
L. J. Cox,	H. K. Hay,	C. C. Spalding,
J. M. Dawson, Jr.,	P. R. Hays,	W. W. Stephenson,
James R. Dean,	Daniel James,	J. R. Thomas,
E. M. Dickson,	W. H. May,	John D. Woods—34.
J. E. Durham,		

Mr. Ferguson moved to amend section 72 by striking out of line nine the words "be less than," and insert in lieu thereof the word "exceeds."

Said amendment was adopted.

The yeas and nays being required thereon by Messrs. Ferguson and Birkhead, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	P. R. Hays,	W. F. Neat,
B. T. Birkhead,	F. W. Hutcheson,	Eli Nicholls,
Polk Cansler,	Daniel James,	Thos. S. Pettit,
R. F. Comer,	W. W. Johnson,	E. M. Pryse,
J. E. Durham,	Henry Kremer,	A. T. Pullen,
McD. Ferguson,	H. P. Lively,	W. R. Stewart,
John Finn,	John S. May,	J. R. Summers,
Geo. Will. Follis,	M. D. McInerney,	John M. Tinsley—25.
U. G. Harlow,		

Those who voted in the negative, were—

Mr. (Speaker Moore),	E. M. Dickson,	W. H. May,
Lewis Alexander, Sr.,	D. B. Edmiston,	W. F. Peak,
W. S. Bailey,	J. M. Frazee,	R. E. Roberts,
W. P. Beard,	Ben. F. Gardner,	Waller Sharp,
John Botts,	J. P. Gay,	S. H. Shouse,
A. J. Carroll,	S. M. Gough,	C. C. Spalding,
B. E. Caudill,	Thos. H. Hanks,	W. W. Stephenson.
J. M. Dawson, Jr.,	H. K. Hay,	John D. Woods—25.
James R. Dean,		

Mr. Hay moved to amend said bill by adding to section 89 the following: "*Provided*, The board of council may by ordinance surrender the control of city schools to the trustees of the State graded school, as provided for by the common school law."

Said amendment was adopted.

Mr. Spalding moved to amend section 68 by striking out all of said section down to the word "time," in line seven, and inserting in lieu thereof the following: "It shall be the duty of the board of council, at the first regular meeting after their election and qualification, or as soon thereafter as practicable, and every two years thereafter, to elect a competent person to be treasurer of such city for a term of two years, or until his successor is elected and qualified, and who shall hold the office subject to removal for good cause at any time; but said treasurer may be elected by the voters of said city when prescribed by ordinance."

Said amendment was adopted.

Mr. Gardner moved to amend section 114 as follows: "Strike out the word 'whereas' and insert in lieu thereof the words 'in

view of the fact;’ and strike out of line five the words ‘be it,’ and strike out of line six the words ‘resolve that,’ and in line eight insert after the word ‘its’ the words ‘passage and.’”

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time by its title,

The constitutional provision as to the third reading of said bill at length being dispensed with.

The question being taken on the passage of said bill, and no quorum being present and voting thereon, said bill failed to pass.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	John Finn,	Eli Nicholls,
Lewis Alexander, Sr.,	George Will. Follis,	W. F. Peak,
W. W. Ayres,	J. M. Frazee,	Thos. S. Pettit,
W. S. Bailey,	Ben. F. Gardner,	E. M. Pryse,
W. P. Beard,	J. P. Gay,	A. T. Pullen,
B. T. Birkhead,	S. M. Gough,	R. E. Roberts,
John Botts,	Thos. H. Hanks,	Waller Sharp,
A. J. Carroll,	H. K. Hay,	S. H. Shouse,
R. F. Comer,	P. R. Hays,	C. C. Spalding,
W. J. Cox,	F. W. Hutcheson,	W. W. Stephenson,
J. M. Dawson, Jr.,	Daniel James,	W. R. Stewart,
James R. Dean,	W. W. Johnson,	J. R. Summers,
E. M. Dickson,	Henry Kremer,	J. R. Thomas,
J. E. Durham,	W. H. May,	John M. Tinsley,
D. B. Edmiston,	W. F. Neat,	John D. Woods—46.

Those who voted in the negative, were—

Polk Cansler,	John S. May,	J. F. Porter—4.
H. P. Lively,		

The hour of 1 o'clock, P. M., having arrived, the House adjourned.

SATURDAY, MAY 13, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	George Will. Follis,	W. F. Peak,
Lewis Alexander, Sr.,	J. M. Frazee,	J. F. Porter,
W. W. Ayres,	J. C. Glenn,	E. M. Pryse,
W. S. Bailey,	S. M. Gough,	A. T. Pullen,
B. T. Birkhead,	Thos. H. Hanks,	C. D. Reed,
John Botts,	H. K. Hay,	D. H. Severs,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	W. J. Hissem,	C. C. Spalding,
R. F. Comer,	F. W. Hutcheson,	W. W. Stephenson,
L. J. Cox,	Daniel James,	W. R. Stewart,
W. J. Cox,	W. W. Johnson,	J. R. Summers,
J. M. Dawson, Jr.,	R. M. Kincheloe,	Lewis E. Thomas,
James R. Dean,	Lewis Y. Leavell,	J. R. Thomas,
E. M. Dickson,	H. P. Lively,	John M. Tinsley,
J. E. Durham,	C. W. Mathers,	D. W. Tribble,
D. B. Edmiston,	W. H. May,	B. F. Willett,
McD. Ferguson,	W. F. Neat,	John D. Woods—53.
John Finn,	Eli Nicholls,	

The following members were absent, viz :

T. J. Arnett,	Geo. T. Halbert,	John Lee Payne,
Posey D. Ball,	U. G. Harlow,	J. A. Perkins,
John Bartman,	A. L. Harned,	Thos. S. Pettit,
John T. Bashaw,	R. K. Hart,	Granville Philpot,
R. F. Bass,	B. B. Hensley,	I. M. Quigley,
W. P. Beard,	Berry Howard,	R. E. Roberts,
B. F. Bennett,	J. S. Joplin,	John Ryan,
P. S. Bruner,	T. S. Kirk,	Waller Sharp,
A. J. Carroll,	Henry Kremer,	Fenton Sims,
A. H. Charlton,	William Krieger,	Samuel O. Tate,
F. P. Combest,	Jno. M. Letterle,	N. S. Walton,
Wesley Crow,	John S. May,	J. H. Welch,
J. S. Cullen,	Hiram McElroy,	H. P. Whitaker,
Wm. Garrison,	M. D. McInerney,	Geo. E. Willett,
Ben. F. Gardner,	Harvey Myers,	R. B. Wilson—47.
J. P. Gay,	J. P. O'Meara,	

The Journal of yesterday was approved.

The House took up for consideration the unfinished business of yesterday, viz :

S. B. 230. An act for the government of cities of the fourth class.

The question being taken on the passage of said bill, no quorum was present and voting thereon.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will. Follis,	E. M. Pryse,
Lewis Alexander, Sr.,	J. P. Gay,	A. T. Pullen,
W. S. Bailey,	S. M. Gough,	C. D. Reed,
John Botts,	Thos. H. Hanks,	D. H. Severs,
B. E. Caudill,	U. G. Harlow,	S. H. Shouse,
R. F. Comer,	P. R. Hays,	C. C. Spalding,
L. J. Cox,	W. J. Hissem,	W. W. Stephenson,
W. J. Cox,	F. W. Hutcheson,	J. R. Summers,
J. M. Dawson, Jr.,	W. W. Johnson,	Lewis E. Thomas,
James R. Dean,	Lewis Y. Leavell,	John M. Tinsley,
E. M. Dickson,	C. W. Mathers,	D. W. Tribble,
J. E. Durham,	W. H. May,	B. F. Willett,
D. B. Edmiston,	W. F. Peak,	John D. Woods—41.
John Finn,	Thos. S. Pettit,	

Those who voted in the negative, were—

W. W. Ayres,	McD. Ferguson,	H. P. Lively,
Polk Cansler,	R. M. Kincheloe,	J. F. Porter—6.

Mr. Bailey moved a call of the House.

Said motion was adopted.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	J. P. Gay,	W. F. Peak,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
B. T. Birkhead,	Thos. H. Hanks,	A. T. Pullen,
John Botts,	U. G. Harlow,	I. M. Quigley,
Polk Cansler,	H. K. Hay,	C. D. Reed,
B. E. Caudill,	P. R. Hays,	R. E. Roberts,
R. F. Comer,	W. J. Hissem,	D. H. Severs,

L. J. Cox,	F. W. Hutcheson,	S. H. Shouse,
W. J. Cox,	Daniel James,	C. C. Spalding,
J. M. Dawson, Jr.,	W. W. Johnson,	W. W. Stephenson,
James R. Dean,	R. M. Kincheloe,	W. R. Stewart,
E. M. Dickson,	Henry Kremer,	J. R. Summers,
J. E. Durham,	Lewis Y. Leavell,	Lewis E. Thomas,
D. B. Edmiston,	H. P. Lively,	John M. Tinsley,
McD. Ferguson,	C. W. Mathers,	D. W. Tribble,
John Finn,	John S. May,	B. F. Willett,
George Will. Follis,	W. F. Neat,	John D. Woods—57.

The following members were absent, viz :

T. J. Arnett,	Geo. T. Halbert,	John Lee Payne,
Posey D. Ball,	A. L. Harned,	J. A. Perkins,
John Bartman,	R. K. Hart,	Granville Philpot,
John T. Bashaw,	B. B. Hensley,	E. M. Pryse,
R. F. Bass,	Berry Howard,	John Ryan,
W. P. Beard,	J. S. Joplin,	Waller Sharp,
B. F. Bennett,	T. S. Kirk,	Fenton Sims,
P. S. Bruner,	William Krieger,	Samuel O. Tate,
A. J. Carroll,	John M. Letterle,	J. R. Thomas,
A. H. Charlton,	W. H. May,	N. S. Walton,
F. P. Combest,	Hiram McElroy,	J. H. Welch,
Wesley Crow,	M. D. McInerney,	H. P. Whitaker,
J. S. Cullen,	Harvey Myers,	Geo. E. Willett,
Wm. Garrison,	J. P. O'Meara,	R. B. Wilson—43.
Ben. F. Gardner,		

Mr. Frazee moved to dispense with further proceedings under the call.

Said motion was adopted.

Mr. Frazee moved to postpone the further consideration of said bill until Tuesday, May 16, 1893, at 11 o'clock, A. M., and that the same be made a special order for that hour.

Said motion was adopted.

A message was received from the Senate, announcing that they had concurred in a resolution, and passed bills, which originated in the House, of the following titles, viz :

H. Resolution 98. Resolution directing the Public Printer to deliver to the Secretary of State bound volumes of the Journals of the two Houses of this General Assembly.

H. B. 452. An act to authorize county courts to submit propositions for dividing or striking off territory to the legal voters, and providing for the transfer of said territory.

H. B. 515. An act prescribing the duties of all peace officers of this Commonwealth in making or causing to be made arrests in certain cases, and fixing a penalty for a failure of their duties,

With an amendment to said last-named bill.

That they had passed a bill, which originated in the Senate, entitled

An act relating to surveying and locating the boundary line between counties in this Commonwealth, and providing for same.

Ordered, That said bill be referred to the Committee on General Statutes.

Mr. Kremer, from the Committee on Railroads and Commerce, reported S. B. 201, entitled

An act to prevent and punish unlawful interference with the transportation of freight and passengers, and the conduct of traffic in this Commonwealth.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Stephenson introduced H. B. 540, entitled

A bill to amend an act, entitled "An act providing for the creation and regulation of private corporations;" referred to the Committee on Corporate Institutions

Mr. Dickson, from the Committee on Judiciary, reported H. B. 535, entitled

A bill to authorize and empower cities and towns in this State, denominated by law as cities of the fourth class, and governed by trustees and councilmen, to hold special elections for the election of such trustees or councilmen for such cities or towns until the general election in November, 1893, in cases where there has been a failure to hold an election for such trustees or councilmen, as provided by the charters of such cities or towns,

With the expression of opinion that it should not pass.

Said bill was read the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

Mr. Johnson, from the Committee on Public Health, reported H. B. 541, originated by the committee, entitled

A bill to promote the study of medicine and surgery in the Commonwealth of Kentucky.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Summers, from the Committee on Mines and Mining, reported S. B. 238, entitled

An act to amend an act, entitled "An act to increase the efficiency of Inspector of Mines, and more fully provide for the protection of the lives and health of persons employed in the coal mines of this State," approved 13th of January, 1893.

With a substitute proposed therefor by the committee.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

The House took from the orders of the day H. B. 514, entitled
A bill to prohibit book-making and pool-selling.

Said bill was read the second time, and made a special order for Wednesday, May 17, 1893.

The House took from the orders of the day bills and resolutions, as follows, viz :

H. B. 206. A bill providing for the appointment of clerks for grand juries in certain cases.

H. B. 522. A bill to amend an act, entitled "An act relating to crimes and punishments," approved April 10, 1893.

H. B. 528. A bill in relation to commissioners and receivers of circuit courts.

H. B. 533. A bill to authorize Hardin county to dispose of the surplus money now on hand arising from its subscription to the stock of the L. & N. R. R. Co., and declaring an emergency.

H. Resolution 100. Resolution directing certain inmates of the Institution for the Education and Training of Feeble-minded Children to be returned to the counties from which they came.

H. Resolution 104. Resolution authorizing the State Librarian to deliver to the State Commissioners of the World's Columbian Exposition certain paintings, works of art and historical relics for exhibition at said exposition, and declaring an emergency.

Said bills and resolutions were severally read the second time by their titles,

The constitutional provision as to the second reading at length being dispensed with.

A message was received from the Governor, announcing that he had approved and signed H. B. 486, entitled

An act to regulate the liability of insurance companies that take life or accident risks on live stock in this Commonwealth.

The House took from the orders of the day S. B. 231, entitled
An act concerning the State Normal School for Colored Persons.

Mr. Hay moved an amendment to said bill.

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The State Normal School for Colored Persons, established by an act of the General Assembly, approved May 18, 1886, shall hereafter be under the control and supervision of a board of trustees, composed of the Superintendent of Public Instruction, who shall be *ex officio* chairman of the board, and three intelligent and discreet persons, residents of Franklin county, to be appointed by the Governor, subject to the approval of the Senate, who are hereby constituted a body-corporate, with power to sue and be sued, plead and be impleaded, and to hold in trust all funds and property now owned by said school, or which may hereafter be provided for it, and shall be known and designated as "The Board of Trustees of the Kentucky State Normal School for Colored Persons." The term of office of the three members appointed by the Governor shall begin on the first day of July, 1893, and one member thereof shall retire as may be determined by lot at the end of one year thereafter, one in two years and the other in three years. Their successors shall be appointed by the Governor for a term of three years. They shall be subject to removal by the Governor for cause, and he is authorized to fill all vacancies occurring by death, resignation or otherwise. Said board shall adopt such rules for the government of said school not inconsistent with law, as they deem proper, and shall supervise all its interests, provide for all its wants, confer weekly with the faculty, and require formal reports of the actual condition of the school in every regard. They shall biennially, beginning on the first day of July, 1893, elect some suitable person outside of their own number as treasurer, who, before entering on his duty, shall

give bond in such a sum as they may prescribe, and they shall agree with him as to compensation: *Provided*, That in no case shall such compensation exceed two hundred dollars per annum.

§ 2. There shall be maintained in said institution a department for the education of colored students in agriculture and the mechanic arts, and for said purpose said board shall be entitled to receive an equitable division of the moneys arising from the sale of public lands, and appropriated to the State of Kentucky by an act of Congress, approved August 30, 1890, entitled "An act to apply a portion of the proceeds of public lands to the more complete endowment and support of the college for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July 2, 1862."

§ 3. Said board shall prescribe the course of study for the said normal school; shall select the instructors and fix their salaries, and shall determine the conditions, subject to the limitations hereinafter specified, on which pupils shall be admitted to the privileges of the school.

§ 4. Any pupil to gain admission to the privileges of instruction in said normal school shall be at least sixteen years of age, possess good health, give satisfactory evidence of good moral character, and sign a written pledge, to be filed with the principal, that said applicant will, as far as practicable, teach in the colored common schools of Kentucky a period equal to twice the time spent as a pupil in said normal school, together with such other conditions as the board may, from time to time, impose. But no such pledge shall be required of pupils who matriculate in the department of agriculture or mechanics.

§ 5. Tuition in the said normal school shall be free to all colored residents of Kentucky who fulfill the conditions as set forth in the preceding section, and such other conditions as the board may require. The board shall fix the rate of tuition and the conditions on which pupils who are not residents of Kentucky may be admitted to the privileges of said normal school.

§ 6. No religious tenets shall be taught in said normal school, but a high standard of Christian morality shall be observed in its management, and, so far as practicable, shall be inculcated in the minds of the pupils.

§ 7. The board shall, in a body or by a majority of their number, visit said normal school once during each session, witness the exercises, and otherwise inspect the condition of said school, and they shall make a biennial report to the Legislature, setting forth the financial and scholastic condition of said normal school, making such suggestions as in their opinion will improve the same, and in the years in which there is no session of the Legislature, they shall make their report to the Governor.

§ 8. The sum of three thousand dollars shall be annually appropriated out of the State Treasury to pay the teachers and defray other necessary expenses in the maintenance of said nor-

mal school, which amount, together with the sum received under the provisions of said fund, shall be set apart and be known and held as the colored normal school fund. This fund shall be paid out of the State Treasury only on the warrant of the Auditor, drawn on the order of the board.

§ 9. The board is authorized to grant, from time to time, certificates of proficiency to such pupils as shall have completed the prescribed course of study in any department of the institution, and whose moral character and disciplinary relations to said school shall be satisfactory. And such teachers as shall have completed the prescribed course of study in the normal department, and exhibited satisfactory evidence of ability to instruct and manage a school, shall be entitled to diplomas appropriate to such degrees as the board shall confer upon them, which diplomas shall entitle them to teach in any of the colored common schools of this State.

§ 10. All acts in conflict with the provisions of this act are hereby repealed.

§ 11. By reason of unnecessary expenses attached to the present management of said school, an emergency is hereby declared to exist for the immediate taking effect of this act; it shall, therefore, take effect upon its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	J. P. Gay,	W. F. Peak,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
B. T. Birkhead,	Thos. H. Hanks,	A. T. Pullen,
John Botts,	U. G. Harlow,	C. D. Reed,
Polk Cansler,	H. K. Hay,	R. E. Roberts,
B. E. Caudill,	P. R. Hays,	D. H. Severs,
R. F. Comer,	W. J. Hissem,	S. H. Shouse,
L. J. Cox,	Daniel James,	C. C. Spalding,
W. J. Cox,	W. W. Johnson,	W. W. Stephenson,
James R. Dean,	R. M. Kincheloe,	W. R. Stewart,
E. M. Dickson,	Lewis Y. Leavell,	J. R. Summers,
J. E. Durham,	H. P. Lively,	Lewis E. Thomas,
D. B. Edmiston,	C. W. Mathers,	John M. Tinsley,
McD. Ferguson,	John S. May,	B. F. Willett,
John Finn,	W. F. Neat,	John D. Woods—52.
George Will. Follis,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 527, entitled
A bill to prohibit persons from leading or conveying bears
along the public highways of this Commonwealth, except caged
and hid from public view.

Mr. Finn moved to amend said bill by striking out the words
“confined and hid from public view,” and insert in lieu thereof
the word “caged.”

Mr. Follis moved to amend section 1, line six; after the word
“view” add these words: “Nor shall the same be exhibited
nearer than one hundred yards to such highway.”

Said amendment was rejected.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky :* § 1. It shall be unlawful for any person hereafter
to lead or transport along the public highways, or along the
streets of any of the towns or cities of this Commonwealth, any
bear of any kind, color or species, unless the same be caged.

§ 2. That any person so offending shall be guilty of a misde-
meanor, and, upon conviction of such offense, in any court
having jurisdiction thereof, shall be fined in any sum not less
than ten dollars nor more than fifty dollars, for every such
offense; and upon failure to pay the same, he shall be confined
in the jail of the county and put at hard labor upon the streets
or public highways at the rate of one day for each dollar of said
fine, until fully satisfied.

The yeas and nays being required thereon by a provision of
the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	George Will Follis,	E. M. Pryse,
W. W. Ayres,	J. C. Glenn,	I. M. Quigley,
W. S. Bailey,	S. M. Gough,	C. D. Reed,
B. T. Birkhead,	Thos. H. Hanks,	D. H. Severs,
John Botts,	U. G. Harlow,	S. H. Shouse,
B. E. Caudill,	H. K. Hay,	C. C. Spalding,
L. J. Cox,	P. R. Hays,	W. R. Stewart,
W. J. Cox,	Daniel James,	J. R. Summers,
J. M. Dawson, Jr.,	W. W. Johnson,	Lewis E. Thomas,
James R. Dean,	Henry Kremer,	John M. Tinsley,
E. M. Dickson,	Lewis Y. Leavell,	D. W. Tribble,
J. E. Durham,	C. W. Mathers,	B. F. Willett,
D. B. Edmiston,	John S. May,	John D. Woods—41.
John Finn,	Eli Nicholls,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Neat,
Polk Cansler,	R. M. Kincheloe,	A. T. Pullen,
R. F. Comer,	H. P. Lively,	R. E. Roberts—10.
McD. Ferguson,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day S. B. 208, entitled An act relating to executions.

Mr. Quigley moved an amendment to said bill.

Mr. Dickson moved that the further consideration of said bill be postponed until Thursday, May 18, 1893, and that the same be made a special order for that day.

Said motion was adopted.

The House took from the orders of the day S. B. 165, entitled An act in relation to descent and distribution, and entitled "Descent and Distribution."

Mr. Quigley moved to postpone the further consideration of said bill until Friday, May 19, 1893, and that the same be made a special order for that day.

Said motion was adopted.

And then the House adjourned.

MONDAY, MAY 15, 1893.

The House was opened with prayer by Rev. W. E. Gorey, of the Catholic Church.

Mr. Woods in the chair as Speaker *pro tem.*, having been designated as such by Mr. Speaker Moore.

Upon a call of the roll, the following members answered to their names, viz:

Lewis Alexander, Sr.,	John Finn,	W. F. Neat,
W. W. Ayres,	George Will. Follis,	Eli Nicholls,
B. T. Birkhead,	J. M. Frazee,	W. F. Peak,

John Botts,	J. C. Glenn,	Thos. S. Pettit,
P. S. Bruner,	S. M. Gough,	J. F. Porter,
Polk Cansler,	Thos. H. Hanks,	A. T. Pullen,
B. E. Caudill,	U. G. Harlow,	John Ryan,
R. F. Comer,	A. L. Harned,	D. H. Severs,
L. J. Cox,	H. K. Hay,	S. H. Shouse,
Will J. Cox,	P. R. Hays,	C. C. Spalding,
J. M. Dawson, Jr.,	F. W. Hutcheson,	W. R. Stewart,
James R. Dean,	W. W. Johnson,	J. R. Summers,
E. M. Dickson,	R. M. Kincheloe,	Lewis E. Thomas,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley,
D. B. Edmiston,	H. P. Lively,	D. W. Tribble,
McD. Ferguson,	C. W. Mathers,	John D. Woods—48.

The following members were absent, viz :

Mr. Speaker (Moore),	R. K. Hart,	J. A. Perkins,
T. J. Arnett,	B. B. Hensley,	Granville Philpot,
W. S. Bailey,	W. J. Hissem,	E. M. Pryse,
Posey D. Ball,	Berry Howard,	I. M. Quigley,
John Bartman,	Daniel James,	C. D. Reed,
John T. Bashaw,	J. S. Joplin,	R. E. Roberts,
R. F. Bass,	T. S. Kirk,	Waller Sharp,
W. P. Beard,	Henry Kremer,	Fenton Sims,
B. F. Bennett,	William Krieger,	W. W. Stephenson,
A. J. Carroll,	John M. Letterle,	Samuel O. Tate,
A. H. Charlton,	W. H. May,	J. R. Thomas,
F. P. Combest,	John S. May,	N. S. Walton,
Wesley Crow,	Hiram McElroy,	J. H. Welch,
J. S. Cullen,	M. D. McInerney,	H. P. Whitaker,
Wm. Garrison,	Harvey Myers,	B. F. Willett,
Ben. F. Gardner,	J. P. O'Meara,	Geo. E. Willett,
J. P. Gay,	John Lee Payne,	R. B. Wilson—52.
Geo. T. Halbert,		

Those answering not being a quorum,

Mr. Birkhead moved a call of the House.

Said motion was agreed to.

Upon a call of the roll, the following members were present, viz :

Lewis Alexander, Sr.,	John Finn,	W. F. Neat,
W. W. Ayres,	George Will. Follis,	Eli Nicholls,
B. T. Birkhead,	J. M. Frazee,	W. F. Peak,
John Botts,	J. C. Glenn,	Thos. S. Pettit,
P. S. Bruner,	S. M. Gough,	J. F. Porter,
Polk Cansler,	Thos. H. Hanks,	A. T. Pullen,
B. E. Caudill,	U. G. Harlow,	John Ryan,

R. F. Comer,	A. L. Harned,	D. H. Severs,
L. J. Cox,	H. K. Hay,	S. H. Shouse,
W. J. Cox,	P. R. Hays,	C. C. Spalding,
J. M. Dawson, Jr.,	F. W. Hutcheson,	W. R. Stewart,
James R. Dean,	W. W. Johnson,	J. R. Summers,
E. M. Dickson,	R. M. Kincheloe,	Lewis E. Thomas,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley,
D. B. Edmiston,	H. P. Lively,	D. W. Tribble,
McD. Ferguson,	C. W. Mathers,	John D. Woods—47.

A quorum being present,

Mr. Frazee moved that further proceedings under the call be dispensed with.

Said motion was agreed to.

The Journal of Saturday's proceedings was approved.

Mr. Frazee introduced a bill, entitled

H. B. 542. A bill to authorize the appropriation of money to defray the expenses of commissioners to the battle-fields of Chickamauga and Missionary Ridge.

Which was referred to the Committee on Federal Relations.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed a bill, which originated in that body, entitled

S. B. 74. An act in relation to charitable uses and religious societies.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 182. An act relating to husband and wife, and entitled "Husband Wife,"

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

Mr. Hanks, from the Committee on Judiciary, which originated the same, reported H. B. 543, entitled

A bill to amend an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, without the approval of the Governor.

Which was read the first time at length, ordered to be printed, and read a second time on another day.

The committees, to whom the same had been referred, reported the following bills, viz:

By Mr. Johnson, from the Committee on Public Health—

S. B. 239. An act to regulate the sale of poisons in this Commonwealth.

By Mr. Ayres, from the Committee on Public Morals—

S. B. 200. An act to repeal an act prohibiting the sale of spirituous, vinous or malt liquors in the voting precincts of Million and Poosey, in the county of Madison.

Said two bills were severally read the first time at length, and ordered to be printed, and read the second time on another day.

The first-named bill was recommitted to the Committee on Public Health.

By Mr. Johnson, from the Committee on Public Health—

H. B. 258. A bill to establish a State Board of Pharmacy, defining its duties and powers, and to regulate the practice of pharmacy in this Commonwealth,

Together with the substitute proposed thereto by the Senate.

Ordered, That said bill and substitute be made the special order for Wednesday, May 24, 1893.

And then the House adjourned.

TUESDAY, MAY 16, 1893.

The House was opened with prayer by Rev. Father W. E. Gorey, of the Roman Catholic Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their, names viz :

Mr. (Speaker Moore),	J. M. Frazee,	W. F. Neat,
Lewis Alexander, Sr.,	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
B. T. Birkhead,	Thos. H. Hanks,	J. F. Porter,
John Botts,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	A. L. Harned,	C. D. Reed,
Polk Cansler,	H. K. Hay,	John Ryan,
B. E. Caudill,	P. R. Hays,	D. H. Severs,
R. F. Comer,	B. B. Hensley,	S. H. Shouse,
W. J. Cox,	W. J. Hissem,	C. C. Spalding,
J. M. Dawson, Jr.,	F. W. Hutcheson,	J. R. Summers,
James R. Dean,	Daniel James,	Lewis E. Thomas,
E. M. Dickson,	W. W. Johnson,	John M. Tinsley,
J. E. Durham,	R. M. Kincheloe,	D. W. Tribble,
D. B. Edmiston,	Lewis Y. Leavell,	N. S. Walton,
McD. Ferguson,	H. P. Lively,	B. F. Willett,
John Finn,	C. W. Mathers,	John D. Woods—55.
George Will. Follis,		

The following members were absent, viz :

T. J. Arnett,	Geo. T. Halbert,	J. A. Perkins,
Posey D. Ball,	R. K. Hart,	Granville Philpot,
John Bartman,	Berry Howard,	E. M. Pryse,
John T. Bashaw,	J. S. Joplin,	I. M. Quigley,
R. F. Bass,	T. S. Kirk,	R. E. Roberts,
W. P. Beard,	Henry Kremer,	Waller Sharp,
B. F. Bennett,	William Krieger,	Fenton Sims,
A. J. Carroll,	John M. Letterle,	W. W. Stephenson,
A. H. Charlton,	W. H. May,	W. R. Stewart,
F. P. Combest,	John S. May,	Samuel O. Tate,
L. J. Cox,	Hiram McElroy,	J. R. Thomas,
Wesley Crow,	M. D. McInerney,	J. H. Welch,
J. S. Cullen,	Harvey Myers,	H. P. Whitaker,
Ben. F. Gardner,	J. P. O'Meara,	Geo. E. Willett,
J. P. Gay,	John Lee Payne,	R. B. Wilson—45.

The Journal of yesterday's proceedings was approved.

Leave of absence, for an indefinite period, was granted Mr. J. R. Thomas.

Mr. Frazee, from the Committee on Capital Location, presented the following report, viz :

The Committee on Capital Location would respectfully report to the Senate and House of Representatives that it has visited the cities of Lexington, Louisville and Danville, and herewith presents the written proposition of Lexington offering to the State all grounds necessary for State buildings, and \$250,000 in money, provided the Capital is located in that city.

The proposition contains a full statement of the financial condition of said city.

The remaining cities have not yet filed their propositions with the committee, but as soon as the committee receives same they will be laid before your honorable bodies.

No recommendation will be made by the committee, as the resolution of appointment does not authorize it.

Very respectfully submitted,

GARRETT S. WALL,

Chairman of Joint Committee.

Which was read, and referred to the Committee on Printing and Accounts.

Mr. W. H. May introduced the following bill, viz :

H. B. 544. A bill providing for the removal of the seat of government from the city of Frankfort, and the location of same in the city of Lexington.

Which was referred to the Committee on Printing and Accounts.

Mr. Kremer, from the Committee on Municipalities, reported H. B. 534, entitled

A bill for the government of cities of the first class.

Said bill was read the second time by its title,

The constitutional provision as to the second reading of said bill the second time at length being dispensed with.

Ordered, That said bill be placed in the orders of the day.

The hour of 11 o'clock having arrived, the House took up for consideration the special order for that hour, viz :

S. B. 230. An act for the government of cities of the fourth class.

[*See Bill in House Journal May 12, 1893.*]

Said bill, as heretofore amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. M. Frazee,	C. W. Mathers,
Lewis Alexander, Sr.,	Wm. Garrison,	W. H. May,
W. W. Ayres,	Ben. F. Gardner,	Eli Nicholls,
W. S. Bailey,	J. P. Gay,	W. F. Peak,
John Bartman,	J. C. Glenn,	Thos. S. Pettit,
W. P. Beard,	S. M. Gough,	J. F. Porter,
B. T. Birkhead,	Thos. H. Hanks,	A. T. Pullen,
John Botts,	U. G. Harlow,	C. D. Reed,
P. S. Bruner,	A. L. Harned,	John Ryan,
A. J. Carroll,	H. K. Hay,	D. H. Severs,
B. E. Caudill,	P. R. Hays,	S. H. Shouse,
L. J. Cox,	B. B. Hensley,	C. C. Spalding,
W. J. Cox,	W. J. Hissem,	J. R. Summers,
J. M. Dawson, Jr.,	Daniel James,	Lewis E. Thomas,
James R. Dean,	W. W. Johnson,	John M. Tinsley,
E. M. Dickson,	R. M. Kincheloe,	D. W. Tribble,
J. E. Durham,	Henry Kremer,	N. S. Walton,
D. B. Edmiston,	William Krieger,	B. F. Willett,
John Finn,	Lewis Y. Leavell,	John D. Woods—58.
George Will Follis,		

Those who voted in the negative, were—

Polk Cansler,	McD. Ferguson,	H. P. Lively—4.
R. F. Comer,		

Resolved, That the title thereof be as aforesaid.

The House took up for consideration the next special order for to-day, viz :

H. B. 392. A bill to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor November 11, 1892,

Together with the report of the Committee of Conference relative to said bill, and which was heretofore adopted by the Senate.

Said report reads as follows, viz :

To the President of the Senate and Speaker of the House of Representatives :

We, your joint conference committee on the differences between the two Houses, arising on the Senate amendments to House Bill No. 392, entitled "An act to amend an act, entitled 'An act relating to revenue and taxation,' which became a law without the approval of the Governor November 11, 1892," most respectfully submit the following report :

We recommend that all of the Senate amendments be concurred in, amended so that said House Bill No. 392, as amended by said Senate amendments, shall read as follows :

An act to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor, November 11, 1892.

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That an act, entitled "An act relating to revenue and taxation," which became a law November the 11th, 1892, the Governor not having signed or returned the same to the House in which it originated within the time prescribed by the Constitution, be, and the same is hereby, amended as follows, to wit: Amend section 16 of article 2 so that the same shall read as follows :

§ 16. Before the first day of September of each year, the Auditor of Public Accounts shall deliver to each county clerk of this State, for the use of the assessors and their assistants, a sufficient number of assessment books and necessary blank schedules for the assessment of all property, real and personal, with interrogations to be propounded to each person, with affidavit thereto attached, to be signed, and sworn to by the party whose property is assessed. The schedules shall contain two columns. In one the person whose property is assessed shall fix the values. In the other, the assessor will fix what, in his judgment, is the proper valuation of the property. The party, or the assessor, where the party can not write, shall write the word "None" after each item whenever he has no property to assess as named in such item ; but no item shall be passed without being answered. The following shall be the form of interrogatories and schedule as hereinbefore required: Interrogatories propounded to and answered by ———, of ——— county, ———, State of Kentucky, on the ——— day of ———, and schedule of all property held or owned by him on the fifteenth day of September, 18——, and valuations thereof as fixed by him, and as fixed by the assessor

INTERROGATORIES.

1. Are you, or were you, on the 15th day of September of the present year executor of the will, or administrator or curator of the estate of any deceased person, or guardian, committee, assignee, commissioner, receiver or trustee of any person, or have you in your possession or under your control any property, money or other thing of value belonging to any other person or corporation? Answer, _____.

If the answer is yes, the person is required to list such property separate from his own, and in the name of the real owner, and show by whom listed.

2. Have you, before the fifteenth day of September of the present year, either personally or through the agency of another, caused any part of your taxable money or other property to be temporarily converted, either by sale, exchange, or any other manner, into any bonds, money or securities not taxable, or any other property not taxable under the laws of this State, for the purpose of evading the payment of taxes, or have you resorted to any means or device whatever to evade the payment of taxes on any part of the property owned by you during twelve months next preceding the fifteenth day of September of the present year? Answer, _____.

If the answer is yes, the person will state all the facts connected with such transaction, and the assessor will reduce such statement to writing, and attach it to the schedule, and make a note of the fact in his books, that the attention of the supervisors may be called thereto.

SCHEDULE.

No. of Item.	DESCRIPTION OF PROPERTY.	Value fixed by the person assessed	Value fixed by the Assessor .
1.	Amount of bonds.....	\$	\$
2.	Amount of notes secured by mortgage.....	\$	\$
3.	Amount of other notes.....	\$	\$
4.	Amount of accounts.....	\$	\$
5.	Amount of cash on hand.....	\$	\$
6.	Amount of cash on deposit in bank.....	\$	\$
7.	Amount of cash on deposit with other corporations.....	\$	\$
8.	Amount of cash on deposit with individuals.....	\$	\$
9.	Amount of all other credits or money at interest.....	\$	\$
10.	Amount of stock in joint stock companies or associations of this State not paid on by the company or association.....	\$	\$

SCHEDULE.

No. of Item	DESCRIPTION OF PROPERTY.	Value fixed by the Assessor.	Value fixed by the person assessed
11.	Amount of stock in foreign corporations..\$	\$	\$
12.	Number of acres of land.....		
13.	Nearest residence thereto.....		
14.	Election precinct in which situated.....		
15.	Valuation of each tract with improvements	\$	\$
16.	Number of city or town lots.....		
17.	Name of city or town where located.....		
18.	Value of each with improvements.....	\$	\$
19.	Number of thoroughbred or standard stallions....		
20.	Value.....	\$	\$
21.	Number of thoroughbred or standard geldings.		
22.	Value.....	\$	\$
23.	Number of thoroughbred or standard mares and colts		
24.	Value.....	\$	\$
25.	Number of stallions of common stock.....		
26.	Value.....	\$	\$
27.	Number of geldings, mares and colts of common stock		
28.	Value.....	\$	\$
29.	Number of mules and mule colts.....		
30.	Value.....	\$	\$
31.	Number of jacks.....		
32.	Value.....	\$	\$
33.	Number of jennets.....		
34.	Value.....	\$	\$
35.	Number of thoroughbred or standard bulls....		
36.	Value.....	\$	\$
37.	Number of thoroughbred and standard cows and calves		
38.	Value.....	\$	\$
39.	Number of bulls, cows, calves and steers of common stock		
40.	Value	\$	\$
41.	Number of sheep.....		
42.	Value	\$	\$
43.	Number of hogs		
44.	Value	\$	\$
45.	Value of agricultural implements	\$	\$
46.	Value of agricultural products.....	\$	\$
47.	Less value of the crops grown in the year the assessment was made and in the hands of the producer	\$	\$

SCHEDULE.

No. of Item.	DESCRIPTION OF PROPERTY.	Value fixed by the person assessed	Value fixed by the Assessor .
48.	Value of agricultural products for taxation.....	\$	\$
49.	Value of wagons, carriages, bicycles and vehicles of every kind	\$	\$
50.	Value of slaughtered animals	\$	\$
51.	Value of sewing and knitting machines.....	\$	\$
52.	Value of safes.....	\$	\$
53.	Value of household and kitchen furniture.....	\$	\$
54.	Value of manufacturing implements, machinery of all kinds	\$	\$
55.	Value of piano-forte and other musical instruments	\$	\$
56.	Value of raw material to be used in manufacturing	\$	\$
57.	Value of manufactured articles	\$	\$
58.	Number of paintings——, value thereof.....	\$	\$
59.	Library——, number of volumes——, value thereof	\$	\$
60.	Number of diamonds——, value thereof.....	\$	\$
61.	Value of watches and clocks.....	\$	\$
62.	Value of jewelry	\$	\$
63.	Value of gold, silver and plated ware.....	\$	\$
64.	Value of steam-engines, including boiler.....	\$	\$
65.	Number of steam-boats, sail-boats, or other water-crafts, or any interest therein——, value.....	\$	\$
66.	Value of mineral products.....	\$	\$
67.	Value of coal mines, oil, gas and salt wells.....	\$	\$
68.	Value of patent rights, and value of territory in which to sell same.....	\$	\$
69.	Present value of annuities and royalties	\$	\$
70.	Value of brick, stone, and other building material	\$	\$
71.	Value of wines, whiskies, brandies, and mixtures thereof not in distillery bonded warehouse	\$	\$
72.	Number of stores ——, value of stock of goods and other property therein	\$	\$
73.	Value of property held for another for the purpose of sale on commission or otherwise.....	\$	\$
<i>Miscellany.</i>			
74.	Value of all property not mentioned above.....	\$	\$
75.	Total value of property listed as above	\$	\$

SCHEDULE.

No. of Item.	DESCRIPTION OF PROPERTY.	Value fixed by the Assessor. Value fixed by the person assessed
76.	Less household goods and other personal property of persons with a family to be deducted from valuation of personal property listed above, not to exceed two hundred and fifty dollars in value	\$ \$
77.	Balance for taxation	\$ \$
78.	Males over twenty-one years of age	
79.	Legal voters	
80.	Enrolled militia	
81.	Children between six and twenty years	
82.	Number of studs, jacks and bulls for which service fee was charged	
83.	Rate per season	

The following questions are required to be answered for statistical purposes:

SCHEDULE.

No. of Item.	DESCRIPTION OF PROPERTY.	No. fixed by the Assessor. No. fixed by the person assessed
84.	Pounds of tobacco raised during the year	
85.	Pounds of hemp raised during the year	
86.	Tons of hay raised during the year	
87.	Bushels of corn raised during the year	
88.	Bushels of wheat raised during the year	
89.	Bushels of oats raised during the year	
90.	Bushels of barley raised during the year	
91.	Bushels of grass seed and clover raised during the year	
92.	Tons of coal mined during the year	
93.	Tons of pig metal mined during the year	
94.	Tons of bloom	
95.	Tons of bar iron	
96.	Number of acres of wheat raised during the year	
97.	Number of acres of corn raised during the year	
98.	Number of acres of meadow	
99.	Number of acres of woodland	
100.	Number of acres of tobacco	

The following shall be the form of oath, which shall be printed on each schedule, which the party whose list is taken shall subscribe and swear to before the assessor or his assistant as soon as such schedule shall be completed ; and all persons failing or refusing to take such oath shall be deemed guilty of refusing to give in their property for assessment, and be fined as provided for such offenses :

STATE OF KENTUCKY,

_____ County, } *Solicit :*

I do solemnly swear (or affirm) that the foregoing schedule contains a true, full and complete list of all taxable property belonging to me on the fifteenth day of September, eighteen _____, and to the best of my knowledge, belief and judgment the values fixed by me to the various articles as above is the fair cash value thereof, estimated at the price they would bring at a fair voluntary sale, and that to the best of my knowledge, belief and judgment none of said articles would bring any greater sum at any such sale than as stated above. I further swear that to the best of my knowledge, belief and judgment I can not realize any greater sum on the notes and accounts owned and held by me against others than as stated by me in said schedule, and that the answers made by me to the above interrogatories are true.

Subscribed and sworn to before me by _____, this ____ day of _____, after said oath was read to him by me.

_____, Assessor.

It shall be the duty of every assessor or deputy to read said oath in full to each tax-payer before he shall be allowed to sign or swear to it. Any assessor or deputy who shall violate either of these provisions shall be deemed guilty of a misdemeanor, and, on conviction, be fined fifty dollars for each offense ; and any person who shall make a false statement as to any matter with reference to the listing of his property for taxation shall be deemed guilty of false swearing, and, on conviction, shall be punished accordingly.

§ 2. Amend section 28 of article 2 so that the same shall read as follows :

§ 28. The assessor shall, after he has returned his tax-book, and the same has been corrected by the board of supervisors, present to the county court his account, verified by affidavit stating the total assessed value of the property listed by him as shown by his tax-book thus corrected ; and if said court, upon investigation, find said account to be correct, it shall certify to the Auditor the amount due to the assessor for the services required of him by law, which shall be based on the total value of the assessment made by him as above required as follows : Four cents on the one hundred dollars of the first million, and one and

one-quarter cents on each one hundred dollars of the excess over one million; but no assessor shall be entitled to receive more than four thousand dollars for his services during any year. In counties in which the assessed value of property exceeds thirty-eight million of dollars, the assessor shall be allowed as compensation to deputies appointed and qualified, the sum of one thousand dollars for each seven and one half million dollars of property which may be assessed in excess of thirty-eight million dollars. In counties where the assessment does not exceed one million dollars, the assessor shall be paid four and one-half cents on the one hundred dollars of the entire property listed.

§ 3. Amend section 1 of article 3, so that the same shall read as follows: "Every railway company or corporation and every incorporated bank, trust company, guarantee or security company, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace car company, dining car company, sleeping car company, chair car company, and every other like company, corporation or association, and also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons or performing any public service, shall, in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the State, and a local tax thereon to the county, incorporated city, town and taxing district where its franchise may be exercised. The place or places where such local taxes are to be paid, and how apportioned, where more than one jurisdiction is entitled to a share of such tax, shall be determined by the Auditor, Treasurer and Secretary of State, who are hereby constituted a board of valuation and assessment for said purpose, and for the discharge of such other duties as may be imposed on them by this act. The Auditor shall be chairman of said board, and shall convene the same from time to time, as the business of the board may require."

§ 4. That section 5 of article 3 of said act be, and the same is hereby, amended, so that the said section shall read as follows: "If the corporation organized under the laws of this State, or some other State or government, be a railroad, telegraph, telephone, express, sleeping, dining, palace or chair car company, the lines of which extend beyond the limits of this State, the said board will fix the value of the capital stock, as hereinbefore provided, and that proportion of the value of the capital stock which the length of the lines operated, owned, leased or controlled in this State bears to the total length of the lines owned, leased or controlled in this State and elsewhere, shall be considered in fixing the value of the corporate franchise of such corporation liable for taxation in this State; and such corporate franchise shall be liable to taxation in each county, incorporated

city, town or district, through or into which such lines pass or are operated, in the same proportion that the length of the line in such county, city, town or district bears to the whole length of line in the State, less the value of any tangible property assessed or liable to assessment in any such county, city, town or taxing district."

§ 5. Amend article 7, section 24, of said act, so that the same shall read as follows: "§ 24. If no one will bid for and purchase such land at the amount of tax, the charges due and the cost of sale, including the cost of advertising, it shall be the duty of the sheriff or collector to purchase the same for the State of Kentucky, for the amount of tax due, and the commission thereon, and shall make return to the county clerk, who shall record the same in a book kept for that purpose, and the clerk shall certify the same to the Auditor of Public Accounts, and the sheriff or tax collector shall have a credit for the same in his settlement with the Auditor. The clerk shall have a fee of 25 cents for making such entry. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same from the State, or any other purchaser, at any time within two years after the day of sale, by paying the purchase money with interest at the rate of thirty per cent. per annum, and in addition fifteen per cent. upon the total amount of the purchase price, and the amount of the clerk's costs, if any. The State shall have the right of possession of lands purchased by it at any time after the expiration of 30 days from the giving of the notice provided for in the next section, and the purchaser, other than the State, shall have the right of possession of the lands purchased by him at any time after the expiration of six months from the giving of the notice provided for in the next section. In the redemption of land sold to the State for delinquent taxes at any time within the period of two years after the sale, or until the revenue agent, under the direction of the Auditor, assumes charge of the collection by sale or otherwise, the county clerk is hereby vested with the authority to collect such delinquent taxes, interest and penalties as prescribed by law, and he shall make report thereof to the Auditor as often as the latter officer may require, and not less than once in every thirty days; and he shall pay into the treasury all moneys collected by him as herein authorized on the first day of every month, and oftener if required by the Auditor. Said report of the county clerk, showing the name of each owner, and each piece of property redeemed, the years' taxes for which delinquent, the assessed valuation of the same for each year, and the total amount paid the State for the redemption, shall be examined by the judge of the county court, and if correct, certified to the Auditor, together with the total sum due the State as shown on said report, less five per cent. commission for the collection which shall go to the county clerk.

§ 6. Amend article 7, section 25, so as to read as follows:

§ 25. It shall be the duty of the county attorney for each county, within fifty days after the sale, to notify the owner of land purchased by the State of such purchase; and if the land so purchased be not redeemed within thirty days from such notification, he shall institute proceedings for the recovery of the possession of such land; and if such land be redeemed after such proceedings are instituted, the owner shall, in addition, pay the costs of such proceeding. The failure of the county attorney to give such notice and institute such proceedings within the time specified shall subject him to a fine of twenty dollars for each offense, and it is hereby made the duty of the county judge to report each and every such failure to the circuit court at its next term thereafter, whereupon the circuit judge shall cause to issue a rule against said county attorney to show cause, if any, why said fine shall not be entered up against him, and such fine, when collected, shall be for the benefit of the State. In every case where such lands are redeemed from the State, at any time within the period of two years allowed for redemption, the county attorney shall have as his commission, when he attends to his duties, twenty per cent. of the amount of money paid to redeem such land; but if he shall fail to attend to his duties, he shall receive no commission, and the whole of the redemption money shall belong to the State. It shall be the duty of the purchaser other than the State, within fifty days after the sale, to give notice in writing to the owner of land purchased by him of such purchase, and if such land be not redeemed within six months after said notice, he may institute proceedings for the recovery of possession of such land.

§ 7. Amend article 7, section 26, so as to read as follows:

§ 26. If the land be not redeemed within the two years allowed for that purpose, the fee-simple title shall vest absolutely in the State; and if said lands purchased by individuals be not redeemed within the two years allowed for that purpose, the fee-simple title shall at once vest in such individuals. The revenue agent, under the direction of the Auditor, may, after the two years for redemption has expired, advertise and sell at public sale any of said lands forfeited to the State, and the Auditor may convey said lands by deed to the purchaser. The revenue agent shall be allowed fifteen per cent. for the collection and payment into the Treasury of said delinquent taxes, the fifteen per cent. to be collected from the delinquent or purchaser, as well as the fee for advertising.

§ 8 Amend section 29 of article 10, so that the same shall read as follows:

§ 29. No persons shall be deemed peddlers under sections 27 and 28 of this article for selling tinware, agricultural implements, sewing machines, portable mills, books, pamphlets, papers, meat, stoneware, or farm or garden products, nor merchants nor their agents for selling by sample; but nothing

herein shall exempt itinerant persons selling agricultural implements from paying license under this law.

§ 9. Amend section 4 of article 10, so that the same shall read as follows :

§ 4. No person shall be granted any license to conduct any business or sell any article, for which a license tax is required, who has engaged in such business, or has sold any such article without license within six months next preceding the time the application is made, who will not, in addition to the regular license tax, pay a sum equal to twenty per cent. thereof; nor shall license be granted to any person who refuses to answer, under oath, which shall be administered by the clerk, at the time the application is made, whether he or his agent have, within six months next before the time of the application, been guilty of engaging in such business, or selling such article without license therefor; and any person making a false statement on such examination shall be deemed guilty of false swearing.

§ 10. Amend section 6 of article 10 so that the same shall read as follows :

§ 6. When such license is granted, the county clerk shall fill up the original and stub. The original he shall deliver to the person to whom it is granted, and shall, within two days thereafter, forward the duplicate to the Auditor of Public Accounts, who shall charge the amount of the tax to him, and the clerk shall, once in each month, pay the license tax collected into the State Treasury; and said clerk, as compensation for his services, shall be allowed five per cent. commission on all license tax collected and accounted for by him.

§ 11. Amend section 7 of article 10, so that the same shall read as follows :

§ 7. No clerk shall issue any license except on blanks furnished to him by the Auditor of Public Accounts and under the seal of the court; nor shall any license be granted for a longer term than one year, nor for a less period, except as hereinafter provided; nor shall any license be transferable, except as provided herein.

§ 12. Amend section 36 of article 10, so that the same shall read as follows :

§ 36. Peddlers of articles on which a license tax is required by law shall pay the following license for peddling in the entire State, except as hereinafter provided :

One person with two-horse wagon, \$50.

One person with one-horse wagon, \$40.

One person on horseback, \$30.

One person on foot, or each person who may accompany a peddler with a wagon, \$20.

Peddling from a boat on any of the waters of the State, or within its jurisdiction, shall be held and deemed to be equivalent to peddling with a two-horse wagon, and shall require the same license.

To peddle in one county in this State, one-fourth of the tax required for the entire State.

The license tax of peddlers of lighting rods or venders of patent rights, or territory for the sale or manufacture of patent rights or articles, shall be twice the amount of other license tax as provided in this section.

§ 13. Amend section 2 of article 11 so that the same shall read as follows:

§ 2. Every life insurance company, other than assessment life insurance companies, not organized under the laws of this State, but doing business therein, shall, on the first day of July in each year, or within thirty days thereafter, return to the Auditor of Public Accounts, for deposit in the Insurance Department, a statement, under oath, of all premiums received in cash or otherwise in this State, or out of the State, on business done in this State during the year ending on the thirtieth day of June last preceding, or since the last returns were made, and shall, at the same time, pay into the State Treasury a tax of two dollars upon each one hundred dollars of said premiums as ascertained, and, upon payment, file a statement thereof with the Secretary of State.

§ 14. Amend section 8 of article 11 so that the same shall read as follows:

§ 8. It shall be the duty of every foreign building and loan association doing business in this State, or some officer, manager, general or State agent of the same, to return to the Auditor of Public Accounts, on or before the first day of July of each year, a correct statement, under oath, of all receipts on business done in this State during the twelve months next preceding the first day of July of the same year the statement is required.

§ 15. Amend section 1 of article 12, so that the same shall read as follows:

§ 1 On each original action or proceeding, commencing with or without original process, when the amount in controversy, exclusive of interest and cost, exceeds fifty dollars; on each appeal to the circuit or quarterly court; on each traverse of forcible entry or detainer; on each proceeding to revive a judgment; on each deed or power of attorney to convey real or personal estate, or any mortgage or conveyance of real or personal property, or lien or conveyance of coal, oil, gas or other mineral right or privilege (but no tax shall be paid on any chattel mortgage unless the amount exceeds fifty dollars), on each marriage license, fifty cents, and on the seal of any court required by law to keep a seal, fifty cents; on each appeal to the Court of Appeals, one dollar; on each verdict of a petit jury in the circuit court, four dollars. The tax shall be paid when the parties withdraw a jury or the plaintiff sustains a non-suit after the jury is sworn. On filing and registering a plat and certificate of survey, and issuing and recording patent thereon, one charge.

which shall be paid before survey is filed, but not to apply to a survey heretofore filed in Register's Office; two dollars and fifty cents for each survey consisting of ten acres or less, and five dollars for each survey in excess of ten acres; for filing a caveat, twenty-five cents; for filing a copy of judgment of a court in case of a caveat, mandamus or other proceeding affecting the Land Office, or the duties of the Register, twenty-five cents; for issuing a land warrant, one dollar; for each official certificate of a patent or survey, with seal of office affixed, one dollar; for each official certificate, with seal of office affixed, one dollar; for copy of a plat, fifty cents; for a copy of courses and distances of any patent or survey, fifty cents; for copy of an entry or land-warrant, fifty cents; for copy of an assignment, twenty-five cents; for copy of a caveat, two cents for every twenty words; for copy of any writing not specifically provided for, two cents for every twenty words.

§ 16. Amend section 4 of article 13 so that the same shall read as follows:

§ 4. Each circuit and county clerk shall make out an account of all taxes and other public money received by him up to the first day of each circuit court, and said report shall show in detail of whom said moneys were received, for what and when received, and shall be verified by him and entered of record; and he shall pay over, from the public money remaining in his hands, to the trustee of the jury fund, until otherwise provided by law, so much thereof as the court may, by order, direct as being necessary for the payment of the jurors, and the original account certified, with the order of court, shall be transmitted with the balance of the fund to the Auditor. The clerk shall be allowed five per cent. commission on said sums reported and paid by him. If any clerk shall fail to perform the duties required of him in this section, he shall be liable on his official bond, with twenty per cent. damages thereon, which may be recovered by action in the name of the Commonwealth in any court of competent jurisdiction.

§ 17. Amend section 7 of article 15, so that the same shall read as follows:

§ 7. The agent, within five days after collecting any money due the Commonwealth, shall pay the same into the State Treasury. Any agent failing to comply with this section shall forfeit the penalty due him for his services, and be deemed guilty of a misdemeanor, and, on conviction, be fined a sum equal to twice the amount he should have paid over.

§ 18. Amend section 8 of article 15, so that the same shall read as follows:

§ 8. The agent shall, on the first day of January of each year, and whenever required by the Auditor or State Inspector, file with the Auditor an itemized statement of the money which he may have received as such agent, and from whom collected, and the date of collection.

§ 19. Amend section one of article 14, so that it will, when amended, read as follows :

§ 1. It shall be the duty of all sheriffs, clerks, county judges, police judges, justices of the peace, constables, marshals and other officers authorized to receive moneys due the Commonwealth, to report on the first day of each circuit court, and in a court having a continuous session to report every four months, the amount of all moneys due the Commonwealth and collected by any such officer, from all sources except State and district taxes, since such officer's last report was made. The report shall be in writing and sworn to in open court by the officer making it, unless, for good cause, the court may excuse an officer, and receive his report, sworn to before some person authorized to administer an oath. The reports shall be on blanks prepared and furnished the circuit clerk by the Auditor of Public Accounts, and shall show from whom the money was received, the amount and the date of collection, and on what account the money was paid, and the reports of county judges, police judges and justices of the peace shall also show on which fines and forfeitures reported the county attorney is entitled to commission by reason of having attended and prosecuted the cases in which they were imposed.

The county clerk shall, in addition to the facts as above required, show by his report all licenses granted by him and the county court since his last report, the name of the person to whom granted and the date of each, the date of expiration, and the amount of tax on each. The county judges, police judges and justices of the peace, and all other courts inferior to the circuit court, having jurisdiction to render judgments in favor of the Commonwealth, shall, in addition to the facts required to be shown by them, report all unsatisfied judgments in their respective courts, rendered in favor of the Commonwealth, during twelve months next before the time when such report is made, the name and residence of the person against whom such judgment was rendered, the date of the judgment, and the amount thereof, and the reason why such judgment has not been collected.

§ 20. Amend subdivision 4, article 10, section 35, so that, when amended, it will read as follows, viz :

§ 35. Before engaging in any occupation or selling any article named in this and section 2 of this article, the person desiring to do so shall procure license and pay the tax thereon as follows :

To keep a tavern, \$10.

To keep a tavern with the privilege of selling malt liquors, \$50.

To keep a tavern with the privilege of retailing spirituous and vinous liquors, \$100.

To keep a tavern with the privilege of retailing spirituous, vinous and malt liquors, \$150.

To retail malt liquors, \$50.

To retail spirituous and vinous liquors, \$100.

To retail spirituous, vinous and malt liquors, \$150.

To persons who are distillers of spirituous liquors in good faith, to retail spirituous liquors of their own manufacture at their distillery, residence or own warehouse, but shall only sell at one of said places, and that must be named and designated in the license, in quantities of not less than one quart, the liquor not to be drunk on the premises, or adjacent thereto, \$75.

To persons who are manufacturers of vinous liquors in good faith, and distillers of peach and apple brandy, to retail liquors of their own manufacture at the place of manufacture or distillery, in quantities not less than a quart, and not to be drunk on the premises, or adjacent thereto, \$25.

To persons who are merchants in good faith, engaged in carrying on a *bona fide* mercantile business other than the sale of liquors by retail, to retail spirituous liquors at their store-houses, in quantities not less than a quart, the liquor not to be drunk on the premises, or adjacent thereto, \$75.

To persons who are druggists in good faith, to retail spirituous and vinous liquors at the drug store, in quantities not less than a quart, the liquor not to be drunk on the premises, or adjacent thereto, and to sell in quantities less than a quart, for medicinal purposes only, on the prescription of a regular practicing physician, \$50.

To sell playing cards, \$5.

To sell pistols, \$25.

To sell bowie-knives, dirks, brass-knucks or slung-shots, \$50.

To keep a room or saloon in which billards, pigeon-hole or pool tables are kept, for the use of which a price is charged, \$30, for the first table, and \$20 for each additional table.

To engage in the business of a pawnbroker, \$300.

To the keeper of a nine or ten-pin or bowling alley, for the use of which a price is charged, \$40, if the population of the county exceeds ten thousand; if under that number, \$20, and the same rate for each alley or ball-way.

Circuses, menageries or other exhibitions displayed under canvas, \$1 for each one hundred voters of the county in which the exhibition is given, and the same amount for each separate exhibition to which an admission fee is charged; but the whole amount of the tax shall not exceed \$50 for each exhibition; and each side show, when a separate fee is charged, shall pay tax as a separate show.

The exhibition solely of trained or educated animals per day, where an admission fee is charged, \$5.

To stand a stud-horse, jack or bull, a sum equal to the greatest sum charged for the service of the animal, whether the same be for the season or for insurance. The license for breeding stock shall expire on the 31st day of December after it is granted. The applicant for such license shall state on oath the largest

amount he intends to charge, directly or indirectly, for the service of the animal, and if in property or other thing, the value thereof.

If any such animal be purchased or brought into the State, or from one county to another by a citizen of this State, between the first day of July and the first day of December, in any year, the tax on the license, until December 31st, after the purchase or removal, shall be the proportion to the annual tax at the time for which the license has to run bears to the whole year. All persons making application for such reduced license shall make and file with the clerk an affidavit, stating when such animal was brought into the State, or another county, and the name of the owner or owners, and their place of residence.

§ 21. By reason of the many defects existing in the present law upon revenue and taxation, and the great detriment to the interest of the people of the State resulting therefrom, an emergency is hereby declared to exist, and this act shall take effect immediately upon its approval by the Governor.

All of which is respectfully submitted.

Senate Committee.

W. H. ANDERSON,

J. S. WORTHAM,

JOHN MCCANN.

House Committee.

J. M. FRAZEE,

EMMETT M. DICKSON.

Said report was adopted. -

The yeas and nays being required thereon by Messrs. Pettit and Birkhead, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. P. Gay,	A. T. Pullen,
W. S. Bailey,	S. M. Gough,	I. M. Quigley,
A. J. Carroll,	A. L. Harned,	C. D. Reed,
B. E. Caudill,	B. B. Hensley,	D. H. Severs,
L. J. Cox,	W. J. Hissem,	S. H. Shouse,
W. J. Cox,	Daniel James,	C. C. Spalding,
E. M. Dickson,	Henry Kremer,	John M. Tinsley,
D. B. Edmiston,	William Krieger,	D. W. Tribble,
J. M. Frazee,	Lewis Y. Leavell,	N. S. Walton,
Wm. Garrison,	W. H. May,	J. H. Welch,
Ben. F. Gardner,	J. F. Porter,	B. F. Willett—33.

Those who voted in the negative, were—

W. W. Ayres,	McD. Ferguson,	C. W. Mathers,
John Bartman,	John Finn,	W. F. Neat,
W. P. Beard,	J. C. Glenn,	Eli Nicholls,
B. T. Birkhead,	Thos. H. Hanks,	W. F. Peak,
John Botts,	U. G. Harlow,	Thos. S. Pettit,

P. S. Bruner,	P. R. Hays,	John Ryan,
R. F. Comer,	F. W. Hutcheson,	J. R. Summers,
J. M. Dawson, Jr.,	W. W. Johnson,	Lewis E. Thomas,
James R. Dean,	R. M. Kincheloe,	John D. Woods—29.
J. E. Durham,	H. P. Lively,	

Said bill, as amended by said report of Committee of Conference, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were--

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Neat,
Lewis Alexander, Sr.,	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	Ben. F. Gardner,	Thos. S. Pettit,
W. S. Bailey,	J. P. Gay,	J. F. Porter,
John Bartman,	J. C. Glenn,	A. T. Pullen,
B. T. Birkhead,	S. M. Gough,	I. M. Quigley,
P. S. Bruner,	Thos. H. Hanks,	C. D. Reed,
Polk Cansler,	U. G. Harlow,	D. H. Severs,
A. J. Carroll,	A. L. Harned,	S. H. Shouse,
B. E. Caudill,	P. R. Hays,	C. C. Spalding,
R. F. Comer,	B. B. Hensley,	J. R. Summers,
L. J. Cox,	W. J. Hissem,	Lewis E. Thomas,
W. J. Cox,	F. W. Hutcheson,	John M. Tinsley,
James R. Dean,	Daniel James,	D. W. Tribble,
E. M. Dickson,	W. W. Johnson,	N. S. Walton,
D. B. Edmiston,	Henry Kremer,	J. H. Welch,
McD. Ferguson,	William Krieger,	B. F. Willett,
John Finn,	Lewis Y. Leavell,	John D. Woods—56.
George Will. Follis,	W. H. May,	

Those who voted in the negative, were—

W. P. Beard,	J. E. Durham,	W. F. Peak,
John Botts,	R. M. Kincheloe,	John Ryan—8.
J. M. Dawson, Jr.,	H. P. Lively,	

A message was received from the Senate, announcing that they had passed H. B. 512, entitled

An act authorizing cities of the second class in the Commonwealth of Kentucky to issue refunding bonds.

That they had adopted the report of the Committee of Conference relative to

S. B. 163. An act relating to courts of justice,
And had passed said bill as amended thereby.

The House took from the orders of the day bills and resolutions as follows, viz :

H. B. 543. An act to amend an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, without the approval of the Governor.

Said bill was read the second time.

H. B. 530. A bill to amend an act, entitled "An act concerning the State Board of Health," approved April 20, 1893,

Together with the substitute offered thereto by the Committee on Judiciary.

Said substitute was amended and disagreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : That an act, entitled "An act concerning the State Board of Health," approved April 20, 1893, be amended by the addition of the following sections and words thereto, viz :

§ 16. In order to prevent the introduction or spread within this State of cholera, yellow fever, or other contagious or infectious diseases, the State Board of Health is hereby authorized and empowered to take temporary possession of such grounds at or near the boundary line of this State, and at other points, as may be necessary for quarantine purposes, for which reasonable compensation shall be paid, such ground to be sufficiently remote from the nearest human habitation as, in the judgment of said board, will not endanger the occupants thereof. It shall be the duty of any person, company or corporation owning, operating or controlling any railroad or other transportation line through or near any such quarantine station to provide and construct such tents or temporary buildings, disinfecting apparatus and sidings, and to furnish such attendants, means of subsistence, and other essentials, as said board may deem necessary for the proper detention, treatment and disinfection and purification of passengers, baggage, merchandise, or other persons or things being conveyed into or within this State by such transportation line or company, suspected to have been exposed to the infection of any of said diseases. Any such person, company or corporation, which shall fail or refuse to comply with the rules and regulations made by said board in pursuance of this act, shall forfeit to the Commonwealth the sum of \$500, and each day's failure or refusal shall be a separate offense.

§ 17. In cities, towns and villages of less than 2,500 inhabitants the council or board of trustees thereof shall constitute the board of health for such city, town or village, and it shall be

the duty of such board of health to elect a health officer for such city, town or village within sixty days after the enactment of this law. If any city or town council or board of health shall fail or refuse to appoint a board of health or health officer as provided in this act, or the act to which this is an amendment, it shall be the duty of the State Board of Health to appoint a board of health or health officer for such city, town or village. Boards of health and health officers appointed under this act shall have all the power and authority and discharge the duties now conferred by law on local boards of health, and it shall be the duty of city councils, boards of trustees and county courts to provide reasonable compensation for the health officers appointed within their respective jurisdictions, such compensation being in proportion to the duties performed.

§ 18. It shall be the duty of physicians practicing their professions in this State to report by mail or otherwise to the health officer within whose jurisdiction the case occurs every case of cholera, yellow fever or other disease scheduled by the State Board of Health as being dangerous to the public health coming under their care or treatment; and it shall be likewise the duty of heads of families to similarly report any of said diseases known by them to exist in their respective families; and it shall be the duty of such physicians, health officers and heads of families to designate the house in which any such disease exists by such flag, placard or other device as may be provided by the rules and regulations of the State Board of Health. Any physician or head of a family who shall fail to mail or otherwise make the report, or to so designate the house in which any such disease exists, as herein required, within twenty-four hours, or any person who shall remove such flag, placard or other device until all danger of contagion or infection has passed, shall, upon conviction, be fined not less than five dollars.

§ 19. The necessary printing of the State Board of Health shall be done in the same way, and subject to the same conditions, as other public printing.

§ 20. Inasmuch as any of said diseases may appear at any time, and inasmuch as cholera is especially apprehended during the coming summer, an emergency is hereby declared to exist, and this act and the act to which this is an amendment, shall take effect and be in force from and after the approval of the Governor.

Said bill was placed upon its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr., McD. Ferguson,
W. W. Ayres, John Finn,

B. B. Hensley,
W. J. Hissem,

W. S. Bailey,	George Will. Follis,	Daniel James,
John Bartman,	J. M. Frazee,	W. W. Johnson,
A. J. Carroll,	Wm. Garrison,	Lewis Y. Leavell,
B. E. Caudill,	Ben. F. Gardner,	W. H. May,
R. F. Comer,	J. P. Gay,	Eli Nicholls,
L. J. Cox,	S. M. Gough,	A. T. Pullen,
W. J. Cox,	Thos. H. Hanks,	John Ryan,
James R. Dean,	U. G. Harlow,	C. C. Spalding,
E. M. Dickson,	A. L. Harned,	John M. Tinsley,
J. E. Durham,	P. R. Hays,	John D. Woods—37.
D. B. Edmiston,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	H. K. Hay,	J. F. Porter,
W. P. Beard,	R. M. Kincheloe,	C. D. Reed,
B. T. Birkhead,	H. P. Lively,	D. H. Severs,
John Botts,	C. W. Mathers,	S. H. Shouse,
P. S. Bruner,	W. F. Neat,	J. R. Summers,
J. M. Dawson, Jr.,	W. F. Peak,	N. S. Walton,
J. C. Glenn,	Thos. S. Pettit,	B. F. Willett—21.

And so said bill was rejected.

The House took from the orders of the day the motion heretofore entered by Mr. Hissem to reconsider the vote by which the House refused to adopt

S. Resolution 57. Resolution declaring an emergency for the passage of Senate bill No. 198.

Said motion was agreed to,

Said resolution was disagreed to.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. E. Durham,	W. W. Johnson,
W. W. Ayres,	McD. Ferguson,	H. P. Lively,
W. P. Beard,	John Finn,	C. W. Mathers,
B. T. Birkhead,	J. M. Frazee,	W. H. May,
P. S. Bruner,	J. P. Gay,	Eli Nicholls,
Polk Cansler,	S. M. Gough,	W. F. Peak,
B. E. Caudill,	U. G. Harlow,	J. F. Porter,
R. F. Comer,	P. R. Hays,	D. H. Severs,
W. J. Cox,	B. B. Hensley,	S. H. Shouse—29.
James R. Dean,	F. W. Hutcheson,	

Those who voted in the negative, were—

Lewis Alexander, Sr.,	Ben. F. Gardner,	Lewis Y. Leavell,
W. S. Bailey,	J. C. Glenn,	W. F. Neat,
John Botts,	Thos. H. Hanks,	Thos. S. Pettit,
A. J. Carroll,	A. L. Harned,	C. D. Reed,
L. J. Cox,	W. J. Hissem,	C. C. Spalding,
J. M. Dawson, Jr.,	Daniel James,	Lewis E. Thomas,
E. M. Dickson,	R. M. Kincheloe,	John M. Tinsley,
D. B. Edmiston,	William Krieger,	N. S. Walton—24.

Also H. B. 522. A bill to amend an act, entitled "An act relating to crimes and punishments," approved April 10, 1893.

Ordered, That said bill be recommitted to the Committee on General Statutes.

Also H. Resolution 104. Resolution authorizing the State Librarian to deliver to the State's Commissioners for the World's Columbian Exposition certain paintings, works of art and historical relics for exhibition at said exposition, and declaring an emergency.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and adopted, as follows :

Be it resolved by the General Assembly of the Commonwealth of Kentucky: 1. That the State Librarian is hereby authorized and directed to deliver to the State's Commissioners for the World's Columbian Exposition such paintings, works of art and historical relics, as said Commissioners may desire, in the possession of and belonging to the State, for the purpose of exhibiting the same at the World's Columbian Exposition. The same shall be receipted for, safely kept and promptly returned to the Librarian at the conclusion of said Exposition; all cost of transportation, packing, etc., to be paid by said Commissioners out of the appropriation heretofore made for exhibiting the State's resources at said Exposition.

2. In view of the fact that said Exposition is now in progress, an emergency is hereby declared, and this resolution shall take effect and be in force from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. M. Frazee,	C. W. Mathers,
Lewis Alexander, Sr.,	Wm. Garrison,	W. H. May,

W. W. Ayres,	Ben. F. Gardner,	W. F. Neat,
W. S. Bailey,	J. P. Gay,	Eli Nicholls,
John Bartman,	J. C. Glenn,	W. F. Peak,
W. P. Beard,	S. M. Gough,	Thos. S. Pettit,
P. S. Bruner,	Thos. H. Hanks,	A. T. Pullen,
Polk Cansler,	U. G. Harlow,	C. D. Reed,
A. J. Carroll,	A. L. Harned,	R. E. Roberts,
B. E. Caudill,	P. R. Hays,	John Ryan,
R. F. Comer,	B. B. Hensley,	D. H. Severs,
L. J. Cox,	W. J. Hissem,	S. H. Shouse,
J. M. Dawson, Jr.,	F. W. Hutcheson,	C. C. Spalding,
James R. Dean,	Daniel James,	J. R. Summers,
E. M. Dickson,	W. W. Johnson,	Lewis E. Thomas,
D. B. Edmiston,	R. M. Kincheloe,	John M. Tinsley,
McD. Ferguson,	Henry Kremer,	D. W. Tribble,
John Finn,	William Krieger,	N. S. Walton,
George Will. Follis,	H. P. Lively,	John D. Woods—57.

In the negative—none.

Also S..B. 206. An act providing for the appointment of clerks for grand juries in certain cases.

Ordered, That said bill be read the third time.

*Said bill was read the third time as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That when the foreman of the grand jury of any county of this State shall report to the court that there is no member of the grand jury as formed who is capable of acting efficiently as clerk thereof in taking and keeping the minutes of the proceedings of the grand jury, the judge of such court is authorized and empowered to appoint some competent and reliable person to act as clerk of the grand jury for that term of the court.

§ 2. Provided that such clerk shall be put under oath that he will correctly and impartially keep the minutes or records of such grand jury, and shall be required to leave the grand jury room before any discussion on any case shall begin, and remain absent during the entire time of discussion and taking the vote by the said jury on any case or question whatever, and shall not reveal any information he may obtain by reason of his position.

§ 3. Such clerk shall be allowed the same pay for his services as the jurymen, and paid out of the same fund, and for any violation of duty by said clerk, the judge may punish him by fine or imprisonment, or both, as in case of contempt of court.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

John Bartman,	S. M. Gough,	I. M. Quigley,
L. J. Cox,	A. T. Pullen,	R. E. Roberts—6.

Those who voted in the negative, were—

Mr. (Speaker Moore),	John Finn,	William Krieger.
Lewis Alexander, Sr.,	Geo. Will. Follis,	H. P. Lively,
W. W. Ayres,	J. M. Frazee,	W. H. May,
W. S. Bailey,	Wm. Garrison,	Eli Nicholls,
W. P. Beard,	Ben. F. Gardner,	W. F. Peak,
B. T. Birkhead,	J. C. Glenn,	Thos. S. Pettit,
John Botts,	Thos. H. Hanks,	C. D. Reed,
P. S. Bruner,	U. G. Harlow,	John Ryan,
Polk Cansler,	A. L. Harned,	D. H. Severs,
B. E. Caudill,	H. K. Hay,	S. H. Shouse,
R. F. Comer,	P. R. Hays,	C. C. Spalding,
J. M. Dawson, Jr.,	B. B. Hensley,	J. R. Summers,
James R. Dean,	W. J. Hissem,	Lewis E. Thomas,
E. M. Dickson,	Daniel James,	John M. Tinsley,
J. E. Durham,	W. W. Johnson,	N. S. Walton,
D. B. Edmiston,	R. M. Kincheloe,	John D. Woods—49.
McD. Ferguson,	Henry Kremer,	

And so said bill was disagreed to.

And then the House adjourned.

WEDNESDAY, MAY 17, 1893.

The House was opened with prayer by Rev. W. E. Gorey, of the Catholic Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	J. C. Glenn,	W. F. Peak,
Lewis Alexander, Sr.,	S. M. Gough,	Thos. S. Pettit,
W. W. Ayres,	Thos. H. Hanks,	J. F. Porter,
W. S. Bailey,	U. G. Harlow,	E. M. Pryse,
W. P. Beard,	A. L. Harned,	A. T. Pullen,
B. T. Birkhead,	P. R. Hays,	C. D. Reed,

P. S. Bruner,	B. B. Hensley,	John Ryan,
Polk Cansler,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	S. H. Shouse,
L. J. Cox,	Daniel James,	C. C. Spalding,
J. S. Cullen,	W. W. Johnson,	W. R. Stewart,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
James R. Dean,	Henry Kremer,	Lewis E. Thomas,
E. M. Dickson,	Lewis Y. Leavell,	John M. Tinsley,
J. E. Durham,	H. P. Lively,	D. W. Tribble,
D. B. Edmiston,	C. W. Mathers,	N. S. Walton,
McD. Ferguson,	W. H. May,	J. H. Welch,
George Will. Follis,	W. F. Neat,	B. F. Willett,
J. M. Frazee,	Eli Nicholls,	John D. Woods—58.
Wm. Garrison,		

The following members were absent, viz :

T. J. Arnett,	Ben. F. Gardner,	J. P. O'Meara,
Posey D. Ball,	J. P. Gay,	John Lee Payne,
John Bartman,	Geo. T. Halbert,	J. A. Perkins,
John T. Bashaw,	R. K. Hart,	Granville Philpot,
R. F. Bass,	H. K. Hay,	I. M. Quigley,
B. F. Bennett,	Berry Howard,	R. E. Roberts,
John Botts,	J. S. Joplin,	Waller Sharp,
A. J. Carroll,	T. S. Kirk,	Fenton Sims,
A. H. Charlton,	William Krieger,	W. W. Stephenson,
F. P. Combest,	John M. Letterle,	Samuel O. Tate,
R. F. Comer,	John S. May,	J. R. Thomas,
Will J. Cox,	Hiram McElroy,	H. P. Whitaker,
Wesley Crow,	M. D. McInerney,	Geo. E. Willett,
John Finn,	Harvey Myers,	R. B. Wilson—42.

The Journal of yesterday's proceedings was approved.

Mr. Neat introduced a bill, entitled

H. B. 545. A bill to amend an act, entitled "An act to divide the State into one hundred Representative Districts," approved 1893.

Which was referred to the Committee on Legislative Districts.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill and a joint resolution, which originated in the House, of the following titles, viz :

H. B. 512. An act authorizing cities of the second class in the Commonwealth of Kentucky to issue refunding bonds ;

H. Resolution 98. Resolution directing the Public Printer to deliver to the Secretary of State bound volumes of the Journals of the two Houses of this General Assembly ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill and resolution would now be read, and that he would sign the same to the end that they might become laws.

Said bill and resolution were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bill and resolution to the Senate.

After a time the Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bill and resolution to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

A message was received through Edward O. Leigh, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the House, entitled

H. B. 373. An act to regulate the running at large of stock.

H. B. 404. An act to amend an act, entitled "An act to fix the per diem of the employes of this General Assembly," approved January 5, 1893.

H. B. 480. An act to protect the fish in the waters of this State.

The House took from the orders of the day S. B. 163, entitled An act relating to courts of justice,

And the report of the Conference Committee relative thereto.

Said report reads as follows :

To the President of the Senate and Speaker of the House of Representatives :

We, your Joint Conference Committee, to consider the difference between the Senate and House of Representatives arising on the House amendments to Senate Bill No. 163, entitled "An act relating to courts of justice," do most respectfully make the following report :

We recommend that the House recede from its amendments Nos. 1, 2, 4, 7, 8, 9, 10, 11, 12 and 13, and that the Senate concur in the House amendment No. 6; and that the Senate concur in House amendment No. 13, amended to read as follows:

Amend lines 1 and 2, section 16, article 2, by striking out the words "except the county of Jefferson," and insert in lieu thereof the words "except counties having continuous session."

That the Senate do concur in House amendment No. 5, amended as follows:

Substitute for Twentieth District, Lawrence county, at Louisa, on the first Monday in January, second Monday in April, and fourth Monday in August in each year, and continue eighteen juridical days each term. Boyd county, at Catlettsburg, on the Monday succeeding the termination of the Lawrence Circuit Court, and continue eighteen juridical days. Elliott county, at Martinsburg, on the third Monday in February, fourth Monday in May and third Monday in October in each year, and continue twelve juridical days each term. Carter county, at Grayson, on the Monday succeeding the termination of the Elliott Circuit Court, and continue eighteen juridical days. Morgan county, at West Liberty, on the Monday succeeding the termination of the Carter Circuit Court, and continue twelve juridical days.

Substitute for Twenty-fifth District the following: Twenty-fifth District—Madison county, at Richmond, on the third Monday in January, eighteen juridical days; on the first Monday in April, twenty-four juridical days; on the first Monday in September, eighteen juridical days; on the first Monday in December, twelve juridical days. Clark county, at Winchester, on the second Monday in February, eighteen juridical days; on the first Monday in May, twenty-four juridical days; on the fourth Monday in September, twenty-four juridical days. Jessamine county, at Nicholasville, on the first Monday in March, twelve juridical days; on the first Monday in June, twelve juridical days; on the fourth Monday in October, twelve juridical days. Powell county, at Stanton, on the third Monday in March, twelve juridical days; on the third Monday in June, twelve juridical days; on the second Monday in November, eighteen juridical days.

C. A. BOARD,
W. H. ANDERSON,
JOHN H. WELCH,
LEWIS Y. LEAVELL.

Said report was adopted.

The yeas and nays being required thereon by Messrs. Ferguson and Pullen, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Ben. F. Gardner,	W. H. May,
W. S. Bailey,	J. P. Gay,	W. F. Peak,
John Bartman,	Thos. H. Hanks,	E. M. Pryse,
A. J. Carroll,	U. G. Harlow,	C. D. Reed,
A. H. Charlton,	A. L. Harned,	R. E. Roberts,
R. F. Comer,	H. K. Hay,	John Ryan,
L. J. Cox,	B. B. Hensley,	S. H. Shouse,
W. J. Cox,	W. J. Hissem,	C. C. Spalding,
James R. Dean,	Daniel James,	Lewis E. Thomas,
E. M. Dickson,	W. W. Johnson,	John M. Tinsley,
J. E. Durham,	Henry Kremer,	D. W. Tribble,
D. B. Edmiston,	William Krieger,	N. S. Walton,
John Finn,	Lewis Y. Leavell,	J. H. Welch,
J. M. Frazee,	John M. Letterle,	John D. Woods—43.
Wm. Garrison,		

Those who voted in the negative, were—

W. W. Ayres,	P. R. Hays,	Thos. S. Pettit,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. F. Porter,
McD. Ferguson,	H. P. Lively,	A. T. Pullen,
S. M. Gough,	C. W. Mathers,	B. F. Willett—12.

Said bill, as amended by said report, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	W. H. May,
Lewis Alexander, Sr.,	J. M. Frazee,	Eli Nicholls,
W. W. Ayres,	Wm. Garrison,	W. F. Peak,
W. S. Bailey,	Ben. F. Gardner,	E. M. Pryse,
John Bartman,	J. P. Gay,	C. D. Reed,
W. P. Beard,	J. C. Glenn,	R. E. Roberts,
P. S. Bruner,	S. M. Gough,	John Ryan,
Polk Cansler,	Thos. H. Hanks,	D. H. Severs,
A. J. Carroll,	A. L. Harned,	S. H. Shouse,
B. E. Caudill,	H. K. Hay,	C. C. Spalding,
A. H. Charlton,	B. B. Hensley,	Lewis E. Thomas,
R. F. Comer,	W. J. Hissem,	John M. Tinsley,
L. J. Cox,	Daniel James,	D. W. Tribble,
W. J. Cox,	F. W. Hutcheson,	N. S. Walton,
James R. Dean,	W. W. Johnson,	J. H. Welch,
E. M. Dickson,	William Krieger,	B. F. Willett,
J. E. Durham,	Lewis Y. Leavell,	John D. Woods—53.
D. B. Edmiston,	John M. Letterle,	

Those who voted in the negative, were—

J. M. Dawson, Jr.,	R. M. Kincheloe,	A. T. Pullen,
McD. Ferguson,	H. P. Lively,	W. R. Stewart—8,
P. R. Hays,	J. F. Porter,	

[*See Bill in House Journal April 12, 1893.*]

The House took up the special order, viz :

H. B. 514. A bill to prohibit book-making and pool-selling.

Said bill reads as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. Whoever shall keep any room or building, or any portion of any room or building, or occupy any place upon public or private grounds, anywhere within the State of Kentucky, with apparatus, books or other device, for the purpose of recording or registering bets or wagers, or of selling pools; and any person who shall record or register bets or wagers, or sell pools upon the result of any trial or contest of skill, speed or power of endurance of man or beast, or being the owner, lessee or occupant of any such rooms, building or part thereof, shall knowingly permit the same to be used or occupied for any of the purposes aforesaid, or shall therein keep, exhibit or employ any device or apparatus for the purpose of registering or recording any such bets or wagers, or for the selling of such pools, or shall become the custodian or depository for reward of any money, property or other thing of value staked, wagered or pledged as aforesaid upon any such result, such person shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not more than one thousand dollars nor less than one hundred dollars, or be imprisoned in the county jail for not longer than one year nor less than ten days, or by both fine and imprisonment, at the discretion of the court or jury.

Mr. Dickson offered an amendment as follows, viz :

Amend by adding after the word "grounds," in line four, the words "except upon the grounds of incorporated fair, running and trotting associations during the meetings of such associations;" and strike out the word "anywhere."

Mr. Mathers moved to amend said amendment by adding "now so chartered."

Mr. Mathers' amendment was disagreed to.

The amendment offered by Mr. Dickson was disagreed to.

The yeas and nays being required thereon by Messrs. Dickson and Welch, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	R. E. Roberts,
W. P. Beard,	S. M. Gough,	S. H. Shouse,
John Botts,	Thos. H. Hanks,	J. R. Summers,
A. J. Carroll,	A. L. Harned,	D. W. Tribble,
W. J. Cox,	H. K. Hay,	J. H. Welch,
E. M. Dickson,	Daniel James,	B. F. Willett,
D. B. Edmiston,	Thos. S. Pettit,	John D. Woods—22.
J. M. Frazee,		

Those who voted in the negative, were—

Lewis Alexander, Sr.,	McD. Ferguson,	C. W. Mathers,
W. W. Ayres,	John Finn,	M. D. McInerney,
W. S. Bailey,	George Will Follis,	W. F. Neat,
John Bartman,	Ben. F. Gardner,	Eli Nicholls,
B. T. Birkhead,	P. R. Hays,	W. F. Peak,
P. S. Bruner,	B. B. Hensley,	E. M. Pryse,
Polk Cansler,	W. J. Hissem,	A. T. Pullen,
A. H. Charlton,	F. W. Hutcheson,	I. M. Quigley,
R. F. Comer,	W. W. Johnson,	C. D. Reed,
L. J. Cox,	R. M. Kincheloe,	John Ryan,
J. S. Cullen,	Henry Kremer,	D. H. Severs,
J. M. Dawson, Jr.,	William Krieger,	W. R. Stewart,
James R. Dean,	John M. Letterle,	N. S. Walton—41.
J. E. Durham,	H. P. Lively,	

Mr. Birkhead offered to amend by adding as an additional section, the following :

But nothing herein contained shall be construed to prevent the offering or awarding of premiums to various classes of stock and products exhibited at county agricultural fairs and associations in this State.

Said amendment was disagreed to.

Mr. Hanks offered an amendment by way of additional section as follows :

The provisions of section 1 shall not apply to State or county agricultural fairs or associations in this State.

Said amendment was disagreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	C. W. Mathers,
Lewis Alexander, Sr.,	George Will. Follis,	W. F. Neat,
W. W. Ayres,	Wm. Garrison,	Eli Nicholls,
John Bartman,	J. C. Glenn,	W. F. Peak,
B. T. Birkhead,	S. M. Gough,	Thos. S. Pettit,
John Botts,	A. L. Harned,	E. M. Pryse,
P. S. Bruner,	P. R. Hays,	A. T. Pullen,
Polk Cansler,	W. J. Hissem,	W. R. Stewart,
R. F. Comer,	F. W. Hutcheson,	J. R. Summers,
J. S. Cullen,	W. W. Johnson,	Lewis E. Thomas,
James R. Dean,	R. M. Kincheloe,	N. S. Walton,
J. E. Durham,	H. P. Lively,	John D. Woods—37.
D. B. Edmiston,		

Those who voted in the negative, were—

W. S. Bailey,	Ben. F. Gardner,	J. M. Quigley,
A. J. Carroll,	J. P. Gay,	C. D. Reed,
A. H. Charlton,	B. B. Hensley,	R. E. Roberts,
L. J. Cox,	Henry Kremer,	John Ryan,
W. J. Cox,	William Krieger,	D. H. Severs,
J. M. Dawson, Jr.,	John M. Letterle,	S. H. Shouse,
E. M. Dickson,	W. H. May,	D. W. Tribble,
John Finn,	M. D. McInerney,	J. H. Welch—25.
J. M. Frazee,		

And so said bill was rejected.

And then the House adjourned.

THURSDAY, MAY 18, 1893.

The House met pursuant to adjournment.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present,
viz :

Mr. Speaker (Moore),	George Will. Follis,	C. W. Mathers,
Lewis Alexander, Sr.,	J. M. Frazee,	W. F. Neat,
W. W. Ayres,	Wm. Garrison,	Eli Nicholls,
W. S. Bailey,	J. C. Glenn,	W. F. Peak,

W. P. Beard,
B. T. Birkhead,
John Botts,
P. S. Bruner,
Polk Cansler,
B. E. Caudill,
A. H. Charlton,
R. F. Comer,
L. J. Cox,
W. J. Cox,
J. S. Cullen,
J. M. Dawson, Jr.,
James R. Dean,
E. M. Dickson,
D. B. Edmiston,
McD. Ferguson,
John Finn,

S. M. Gough,
Thos. H. Hanks,
U. G. Harlow,
A. L. Harned,
H. K. Hay,
P. R. Hays,
B. B. Hensley,
W. J. Hissem,
F. W. Hutcheson,
Daniel James,
W. W. Johnson,
R. M. Kincheloe,
Henry Kremer,
William Krieger,
Lewis Y. Leavell,
John M. Letterle,
H. P. Lively,

Thos. S. Pettit,
J. F. Porter,
E. M. Pryse,
A. T. Pullen,
C. D. Reed,
John Ryan,
D. H. Severs,
S. H. Shouse,
C. C. Spalding,
W. R. Stewart,
J. R. Summers,
Lewis E. Thomas,
John M. Tinsley,
D. W. Tribble,
N. S. Walton,
B. F. Willett,
John D. Woods—63.

The following members were absent, viz :

T. J. Arnett,
Posey D. Ball,
John Bartman,
John T. Bashaw,
R. F. Bass,
B. F. Bennett,
A. J. Carroll,
F. P. Combest,
Wesley Crow,
J. E. Durham,
Ben. F. Gardner,
J. P. Gay,
Geo. T. Halbert,

R. K. Hart,
Berry Howard,
J. S. Joplin,
T. S. Kirk,
W. H. May,
John S. May,
Hiram McElroy,
M. D. McInerney,
Harvey Myers,
J. P. O'Meara,
John Lee Payne,
J. A. Perkins,

Granville Philpot,
I. M. Quigley,
R. E. Roberts,
Waller Sharp,
Fenton Sims,
W. W. Stephenson,
Samuel O. Tate,
J. R. Thomas,
J. H. Welch,
H. P. Whitaker,
Geo. E. Willett,
R. B. Wilson—37.

The Journal of yesterday's proceedings was approved.

Mr. Charlton offered the following resolution, viz :

WHEREAS, The Commercial-Gazette of May 17, 1893, contained the following report of a speech made in Vanceburg, Ky., by Hon. George T. Halbert to his constituents :

“THE LEGISLATURE DENOUNCED.

“VANCEBURG, KY., May 16.

“Probably the most sensational political speech ever delivered in this section of the State was made by the Hon. Geo. T. Halbert, Representative, at the court-house to-day at 1 o'clock. Circuit court is in session, and a large crowd was in attendance, and “Uncle George,” in giving an account of his course as Lewis county's legislator, took occasion to blister both Houses

of the Legislature all over. He literally ripped the Senate up the back, and exposed all the ulcers of alleged corruption. He took occasion to crucify members who have been absent almost constantly, in the most approved style. He declared that members constantly and wantonly neglected their duties for the performance of which they were selected. In fact, there were very few who did not constantly absent themselves greatly to the interference of legislation.

"He thought there were quite a number of men in the lower House who were all right, but the Senate was a rotten basket of apples.

"He accused the city of Louisville with buying up the Senate in passing their city charter, and further stated that members of the lower House had been offered as high as \$10,000 for votes, and insinuated that quite a number took the bribes. By implication he gave Senator G. S. Wall, of this district, hades. From the whole tenor of his remarks he thinks the present Legislature the most corrupt that ever sat."

Bribery and corruption are charged against the members of the House and Senate by a brother member of this body testifying to his people. It is due this General Assembly to be informed by the Hon. G. T. Halbert whether the publication purporting to be the substance of his speech is correct; and in order that this House may hear from him in person, therefore.

Resolved, That the Clerk of this House is directed to immediately telegraph the Hon. Geo. T. Halbert to come to this city to give this House the facts within his knowledge of the corruption of its members, so that it may determine on the necessity for future action in this matter.

Which was read and adopted.

Mr. Causler introduced H. Resolution 105, as follows, viz:

WHEREAS, The charter for the government and regulation of cities and towns of the sixth class in the State of Kentucky, as passed at this session of the General Assembly with an emergency clause, has been signed by the Governor and is now in force; and whereas, it is essential that the various cities and towns of the above-named class should be supplied with copies of said act; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky: That the Public Printer is hereby authorized to print one thousand copies of said act for distribution by the members of this House in the districts represented by them.

Which was referred to the Committee on Printing and Accounts.

Leave of absence, for an indefinite period, was granted Mr. Durham.

A message was received from the Senate, announcing that

they had received official information that the Governor had approved and signed bills as follows :

S. B. 16. An act to amend section 51, Civil Code.

S. B. 214. An act concerning office and officer.

S. B. 219. An act concerning the General Assembly.

S. B. 232. An act creating and establishing the office of trustee of the jury fund.

S. B. 182. An act relating to husband and wife, and entitled "Husband and Wife."

That they had concurred in an amendment proposed by the House to S. B. 231, entitled

An act concerning the State Normal School for Colored Persons,

And that they had passed said bill as amended.

That they had concurred in a resolution, which originated in the House, entitled

H. Resolution 104. Resolution authorizing the State Librarian to deliver to the State Commissioners of the World's Columbian Exposition certain paintings, works of art and historical relics for exhibition at said exposition, and declaring an emergency.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 231. An act concerning the State Normal School for Colored Persons,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign the same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

The House took up the special order of the day, a bill, entitled

S. B. 208. An act relating to executions.

Said bill reads as follows, viz :

CHAPTER ——. EXECUTIONS.

ARTICLE	I.	Writs of <i>feri facias</i> .
ARTICLE	II.	To what counties executions may issue.
ARTICLE	III.	Defendant's estate bound.
ARTICLE	IV.	<i>Capias ad satisfaciendum</i> allowed.
ARTICLE	V.	Judgments in chancery, how enforced.
ARTICLE	VI.	Writs of <i>venditioni exponas</i> .
ARTICLE	VII.	Executions on judgments for specific property.
ARTICLE	VIII.	Concerning live stock.
ARTICLE	IX.	Defendants allowed to replevy.
ARTICLE	X.	Forthcoming bond.
ARTICLE	XI.	Sale bonds.
ARTICLE	XII.	Bonds having the effect of judgments.
ARTICLE	XIII.	Lands liable to execution.
ARTICLE	XIV.	Sale of property under execution.
ARTICLE	XV.	Exempted property.
ARTICLE	XVI.	Encumbered property may be sold.
ARTICLE	XVII.	Certain sales invalid.
ARTICLE	XVIII.	Duties and liabilities of certain officers.

ARTICLE I. WRITS OF FIERI FACIAS.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. If a final judgment in *personam* be rendered in any court of record in this Commonwealth for an ascertained sum of money, with interest and cost, or for either, a *feri facias* may issue thereon.

§ 2. The form of a writ of *feri facias*, varied to suit the particular case, may be, in substance, as follows, to wit: The Commonwealth of Kentucky to the sheriff of ——— county, greeting: We command you that of the estate of A B you cause to be made the sum of \$——, which C D, late in our ——— court, hath recovered against him for debt, with interest thereon, from the ——— day of ——— until paid; also the sum of \$——, which to the said C D, in the same court, were adjudged for his costs in that suit expended, whereof he is convicted, as appears to us of record, and that you have the said sums of money before our said court on the ——— day of ———, to render to the said C D his debt, interest and costs aforesaid, and have then there this writ. Witness:

1. All executions shall be returnable to some rule day of the court, not under thirty nor over seventy days from the test, and each court shall, by an order of record, appoint a monthly return day of executions.

2. If a *feri facias* be satisfied, the officer shall return thereon.

in substance, "satisfied," unless it be by the sale of property, in which case the fact must be stated. If satisfied in part, he must state what part, and why the residue is not made.

3. If levied, and no sale has been made for want of bidders, or if no property has been found, he must state the facts.

§ 3. If a *fiery facias* is issued, and the plaintiff desires to take out another at his own costs, the clerk may issue the same, though the previous execution be not returned.

1. If a *fiery facias* be returned in whole or in part not satisfied, a new one may issue.

2. On a joint judgment against several, the execution must be joint.

§ 4. No execution shall issue on any judgment, unless ordered by the court, until after the expiration of ten days from the rendition thereof.

§ 5. When an execution is issued jointly against a personal representative, heirs and devisees, it shall be the duty of the officer, in whose hands it is so placed for collection, to sell, first, the estate in the hands of the personal representative; second, the estate descended to the heir; and third, the estate devised. The same order shall be observed when the execution issued against only two of the classes named. But the defendants may, by writing, direct the sale to take place in any order they desire.

§ 6. Executions issued by a judge of a county court, on judgment rendered at its quarterly sittings, or by a judge of a city or police court, or a justice of the peace, shall bear test in the name of the officer issuing the same, and shall be governed by the provisions of this chapter, so far as the same are appropriate.

ARTICLE II. TO WHAT COUNTIES EXECUTIONS MAY ISSUE.

§ 1. No execution shall issue to any other county than that in which the judgment was rendered, or that in which the defendant resides, until execution has issued to one of the counties named, and has been returned by the proper officer no property found, as to all or part thereof.

1. This section is not to apply when the plaintiff, his agent or attorney, shall make affidavit and file the same with the clerk of the court in which the judgment was rendered, stating that the defendant in the judgment has not sufficient property in the county in which the judgment was rendered, nor in the county in which he resides, to satisfy the same, subject to execution. Upon filing such affidavit, execution shall issue to any or as many counties as the plaintiff may direct.

2. The plaintiff shall be liable to the defendant for any damage he may sustain by procuring an execution to issue wrongfully under the provision of this article.

§ 2. No sheriff shall be required to go out of his county to return an execution in a civil case.

1. He shall, if the plaintiff has no known agent or attorney in the county, transmit such execution by mail, with the return thereon (keeping a copy), directed to the clerk of the court whence the same issued.

2. When so sent in proper time and manner, the officer shall not be liable.

§ 3. When an execution is placed in the hands of an officer for collection, in a county in which the plaintiff does not reside, he may, by indorsement on the execution, name an agent in the county to which the execution is directed, who shall have power to receive and receipt for the money when collected.

§ 4. Where executions are, or shall be, issued from the courts of any county in this Commonwealth, and the same are sent to another county, and shall be by the sheriff of such county levied upon lands in such county, it shall be the duty of the sheriff so levying said execution to return the same to the clerk of the circuit court in his county, who shall record the same as executions are now required to be recorded; and after recording same, such clerk shall deliver said execution back to the sheriff, who shall return the same to the office of the court whence it issued. The clerk recording such executions shall have the same fee therefor as now allowed for similar services.

ARTICLE III. DEFENDANT'S ESTATE BOUND.

§ 1. A writ of *fiery facias* shall bind the estate of the defendant only from the time the same is delivered to the proper officer to execute.

1. The officer to whom it is so delivered shall indorse thereon the day of the month, year and time of day when the same is received by him.

2. If two or more executions are delivered to the officer on the same day against the same person, he shall satisfy that one first which comes first to his hands.

3. If two or more executions come to an officer's hands at the same time, and he is unable to make the amount thereof, he shall apportion the sum made among the several executions so coming to his hands according to the amount thereof.

ARTICLE IV. CAPIAS AD SATISFACIENDUM ALLOWED.

§ 1. A *capias ad satisfaciendum* may issue, except against females, upon all judgments for a trespass, *vi et armis*, for seduction, or for slander, written or verbal, or for malicious prosecution. The court shall note, at the foot of the judgment, that a *capias ad satisfaciendum* may issue thereon. The form of such execution shall be, in substance, as follows, to wit: The Commonwealth of Kentucky to the sheriff of _____ county, greeting: We command you that you take A B, if he be found

within your county, and him safely keep, so that you have his body before our judge (or justice) of our _____ court, the _____ day of _____, to satisfy C D the sum of \$_____, which the said C D hath recovered against him for damages; also the sum of \$_____, which to the said C D, in the same court, was adjudged for his costs; and that you have the same at _____, on the _____ day of _____, to satisfy and pay the said C D his damages and costs aforesaid, and have then there this writ. Witness E F, clerk of our court, this _____ day of _____, 18—.

1. The sheriff or other officer may return on a *ca. sa.*, in substance: In virtue of this writ, I have taken the within named A B, and delivered him to the jailer of my county. This _____ day of _____. Or, the within named A B is not found within my county. This _____ day of _____.

§ 2. The death of a defendant imprisoned under a *ca. sa.* shall not release his estate from liability to the plaintiff.

ARTICLE V. JUDGMENTS IN CHANCERY, HOW ENFORCED.

§ 1. A final order or judgment for money, lands, or other specific things, may be enforced by any appropriate writ of execution, allowable on a judgment at law, according to the nature of the case.

1. Such writ shall issue and be returnable as other writs of execution.

2. Nothing in this article shall prevent any party from proceeding to carry an order or judgment of court into execution according to the ancient practice of courts of chancery.

ARTICLE VI. WRITS OF VENDITIONI EXPONAS.

§ 1. When the sheriff, or other officer, shall return on an execution that the estate levied on, or any part thereof, remains in his hands unsold, a writ of *venditioni exponas* may issue, directed to such officer.

1. Which writ shall be in substance as follows: The Commonwealth of Kentucky to the sheriff of _____ county, greeting: We command you that you expose to sale the estate of A B to the value of \$_____, which, according to our command, you have taken into your hands, and which remains in your hands unsold, as you have certified to our _____ court, to satisfy C D the sum of \$_____, whereof in our said court he had recovered execution against the said A B, by virtue of a judgment in the said court, and that you have, and so forth.

2. The like proceedings shall be had on such writ as might and ought to have been had on the first execution.

3. An officer may, at any time after the return day, while the original execution is in his hands, sell any property taken in virtue thereof, provided the levy was made before the return day.

ARTICLE VII. EXECUTIONS ON JUDGMENT FOR SPECIFIC PROPERTY.

§ When a judgment shall be recovered for a specific thing, the plaintiff may have an execution issued thereon, commanding the proper officer to take the thing so recovered, and deliver the same to the plaintiff.

1. Or the plaintiff may, if he so elect, take an execution for the assessed value of the thing recovered, and, in either case, the execution shall embrace the damages assessed for the detention and costs.

2. The court may, upon satisfactory proof that the property recovered has perished, or that, without the fault of the defendant, it is out of his power to produce the same, order the plaintiff to receive the assessed value in lieu of such property.

ARTICLE VIII. CONCERNING LIVE STOCK.

§ 1. When an execution is levied on live stock, and no forthcoming or replevin bond is immediately given, the officer shall provide sufficient sustenance for the live stock so levied on until the same is legally disposed of.

1. In such case the officer shall make a fair estimate of his expenses, and collect the same, subject to correction by the court.

2. Upon the return of the execution, if either party so desire, the court must fix what the officer shall be allowed for his expenses, which is to be considered a part of the taxed costs in the case, and collected accordingly.

3. When an execution which has been levied on live stock is quashed, enjoined, superseded or suspended, the officer levying the same may have his expenses allowed, and issue his fee-bill for and collect the same from the plaintiff in the execution.

4. Such expense, except when the execution is quashed, shall form a part of the costs, and be collected from the defendant if the stay or suspension be removed. If removed in part only, then in proportion to such part.

ARTICLE IX. DEFENDANTS ALLOWED TO REPLEVY.

§ 1. The defendants (except in the cases provided in the succeeding section) may, when there is no execution thereon in the hands of a collecting officer, replevy any judgment for money for three months before the clerk or justice of the peace, or judge of the city or police court, or judge of the quarterly court entering up the judgment, by giving bond, with good surety, to be approved by such officer. If any person be confined in jail for the non-payment of a fine, he may, in like manner, replevy the judgment of fine by bond before the circuit clerk. The bond provided for in this section, varied to suit the

particular case, may be in substance as follows: This day the defendant A B, together with C D, his surety, came before me, as clerk of the ——— court, or before me, the presiding judge, city or police judge, or justice of the peace of ——— county, and undertook that they would satisfy and pay E F his judgment, including interest, if any, and costs amounting to \$——, rendered in his favor against the said A B, by this court (or by me) within three months, with legal interest on the whole amount thereof from this date.

§ 2. A judgment to enforce a lien, or against any collecting officer, or attorney-at law, or agent for a delinquency or default in executing or fulfilling the duties of his office or place, or for failing to pay over money collected by him in such capacity, or judgment by a surety against his principal, or judgment upon a debt due by obligation, having the force of a judgment, or judgment for specific property, or for the property or its value, shall not be replevied, nor shall an execution, or a sale, replevin or forthcoming bond be replevied.

§ 3. Any execution on a judgment, which could be replevied before such execution issued, may be replevied for three months at any time before a sale of property under the same, by the defendant giving to the officer a bond, with good surety, payable to the plaintiff, for the amount thereof, including interest, costs, and half commission, up to that time. The bond shall be in substance as follows: We, A B, principal, and E F, surety, do bind ourselves, three months after the date hereof, to pay C D, the plaintiff in execution, the sum of \$——, to bear interest from this date, being the amount of an execution which issued from the clerk's office of the circuit court (or county court) of ——— (or the office of G H, a justice of the peace in and for ——— county, as the case may be), on the ——— day of ———, in favor of the said C D, for the sum of \$—— debt or damages, \$—— interest, \$—— costs of suit, \$—— sheriff's (or constable's) half commission, amounting in the whole to the sum of \$—— aforesaid, against the said A B; and we, the said A B and E F, his surety, have hereby replevied the same. Witness our hands this ——— day of ———.

§ 4. An agreement to waive the right to replevy, or any other legal agreement in relation to any judgment, if entered on the record among the orders of court, shall be specifically enforced. In such case the proper indorsement shall be made on the execution by the clerk, judge or justice.

ARTICLE X. FORTHCOMING BOND.

§ 1. The owner of personal estate taken in execution may give to the officer levying on the same a bond, with good surety, to have the property forthcoming at the time and place of sale, specifying therein each article of property and its value.

1. The bond shall be, in substance, as follows, viz: We, A B,

principal, and C D, surety, do bind ourselves that the property mentioned in the following schedule and valuation, to wit;—
_____, valued at \$— (naming each article and its value), shall be forthcoming at _____ on the — day of _____ next, by the hour of twelve o'clock in the day.

Witness our hands, _____, _____.

2. Upon the giving of such obligation the officer shall restore the possession of the property so taken in execution to the defendant, to remain with him at his own risk and expense until the time stipulated for its delivery.

§ 2. If the defendant shall fail to pay or replevy the amount of the execution, and shall fail to deliver so much of the property specified in the forthcoming bond, or other property in its place sufficient to satisfy the execution, and all costs and commissions, the officer shall return the execution and bond to the office whence the former issued, and indorse on the execution the levy, the giving of the bond, and the particular property which is not forthcoming, and the other facts.

1. The surety therein shall be liable only for the value of the property specified in the bond which is not forthcoming, with interest thereon from the date of the bond, and the accruing costs.

2. If the property specified in a forthcoming bond is not of value sufficient to satisfy the execution and all costs and commissions, the proper officer may issue another execution and credit the same with the value of the property specified in the bond.

§ 3. An officer taking a forthcoming bond who shall fail to return the same to the proper office for twenty days after the failure to comply on the part of the defendant, shall, with his sureties, be liable to the plaintiff for the amount of the execution, costs and commission, and twenty per centum thereon, to be recovered by action or motion against any one or more of them, or their representatives.

ARTICLE XI. SALE BONDS.

§ 1. In all cases where the right to replevy exists and is not exercised, sales under execution shall be on a credit of three months, upon the purchaser giving bond, with good surety, to the plaintiff in the execution for the payment of the sale money, bearing interest from the date.

1. The bond shall be in substance as follows: We, A B, principal, and C D, surety, do bind ourselves to pay to E F, within three months from the date hereof, the sum of \$—, with interest thereon from this date, being the purchase money for (here set out the several items of the property so purchased, with the price of each) which was this day sold by G H, sheriff (or constable, and so forth, as the case may be) of — county, in satisfaction of an execution which issued from the office of

the clerk of the ——— circuit court (or K L, a justice of the peace for ——— county, or from the office of A B, county judge, as the case may be), on the ——— day of ———, in favor of the said E F, against M O, for the sum of \$——, debt or damages, with interest and costs. Given under our hands this ——— day of ———.

§ 2. When the property sold on a credit shall sell for more than will satisfy the execution, costs and commission, the officer making the sale shall take a bond payable to the defendant, the owner of the property, for the excess, similar in every other respect to that directed in this article to be taken to the plaintiff, and to have like force and effect, and on which like proceedings may be had. If the property is sold for cash in hand, any excess, after satisfying the execution and charges and commissions, shall be paid over by the officer to the defendant whose property is sold.

ARTICLE XII. BONDS HAVING THE EFFECT OF JUDGMENTS.

§ 1. Every bond taken on the sale of property under an order of judgment in chancery, or on the sale of property under execution, and every replevin and forthcoming bond, shall be signed by the principal and sureties, and attested by the person taking the same, or by some one in his presence.

1. A bond so taken shall be returned to the proper office, with a report of the acts of the person taking it; and if taken under an execution, the latter must be returned with the bond.

2. All such bonds shall have the force and effect of a judgment, and on which, if not paid at maturity, an execution may issue, and shall be indorsed that no surety of any kind is to be taken.

§ 2. The officer taking any of the bonds aforesaid, and his sureties, or their representative, shall be jointly and severally liable to the person injured for any damage he may sustain by taking surety thereon who is not solvent when received.

§ 3. If one of several obligors, or obligees, in any bond having the force and effect of a judgment, shall die before the same is satisfied, execution may issue on such bond in the name of the surviving obligee or obligees, against the obligor or the survivor.

§ 4. When all the obligees in such bond as is specified in the preceding section shall die, their personal representatives may, if such bond is not satisfied, sue out execution thereon, after its maturity, against the obligors or their personal representatives, if they are all dead; or, if only part be dead, against the survivor and the personal representatives of the deceased.

§ 5. When a bond having the force of a judgment is quashed, a new execution may issue on the original judgment at the instance of the plaintiff, in the same manner as if such bond had never been given.

ARTICLE XIII. LANDS LIABLE TO EXECUTION.

§ 1. Land to which the defendant has a legal title in fee, for life, or for a term, whether in possession, reversion or remainder, may be taken and sold under execution.

§ 2. Lands must be sold under execution to the highest bidder, at the court house door of the county in which it lies, or, if there be no court-house, then on the street or public square in front of the site where the court-house has been or is to be erected, on the first day of a county or circuit court held for the county.

1. Only so much land can be sold as will satisfy the execution under which the sale is made.

2. The officer making the sale must first advertise the time and place of making the same by written notice set up at the court-house door and three other public places in the vicinity of the land for fifteen days next preceding the sale, therein describing the land to be sold.

3. Before a sale of land, the officer shall cause it to be valued, under oath, by two disinterested, intelligent house-keepers of the county, not related to either party, who may be sworn by him. If they disagree, the officer shall act as umpire. If a part of a tract only be sold, the part so sold shall, after the sale, be revalued in like manner.

4. The valuation so made shall be in writing, signed by the persons making it, and returned with the execution; and the officer must refer to and explain the proceeding in his return on the execution, which return shall be recorded in full.

§ 3. In making sale of land, when the whole tract shall be bid up to the amount required to be made, the defendant, his agent or attorney, if present, may designate what side or end of the land shall be sold. If no designation is so made, the officer must declare which side or end he will sell; and, in so doing, act according to what he may deem best for the interest of the defendant.

§ 4. If the land so sold does not bring two-thirds of the valuation, the defendant and his representatives shall have the right to redeem the same within a year from the day of sale by paying the purchaser or his representative the original purchase money and ten per centum per annum interest thereon.

1. The defendant redeeming his land shall take receipt from the purchaser and lodge the same with the clerk of the court, which receipt shall be filed and recorded with the execution under which the sale is made.

2. The defendant may tender the redemption money to the purchaser, his agent or attorney, if in the county where the land lies, or in the county where the judgment is obtained, and if the same is refused, or if the purchaser do not reside in either of said counties, the defendant may, before the expiration of the year, go to the clerk of the court whence the execution is-

sued, and make affidavit of such tender and refusal, or that the purchaser, his agent or attorney, does not reside in the county where the land lies, or whence the execution issued, as he believes. Thereupon he may pay to such clerk the redemption money for the purchaser, and the clerk shall give a receipt therefor, and file the affidavit with the execution in his office.

3. When the right of redemption exists, the defendant shall remain in possession until it expires.

§ 5. Land sold under execution which is subject to redemption shall not be conveyed by the officer making the sale until the expiration of one year from the sale, nor shall he convey after that period, if the land has been redeemed, or the affidavit is made and the money deposited with the clerk, as in this article provided, unless in pursuance to an order of a court, or the written assent of the defendants in the execution.

§ 6. The right of redemption herein provided for shall be liable to sale under execution. The land shall in such case still be subject to redemption by the defendant, from both purchasers, until the end of a year from the first sale. The purchaser of the right of redemption may, before the end of a year from the first sale, pay the prior purchaser his money and interest, as stated in this article, and shall be entitled to the land, unless redeemed by the defendant in the execution.

§ 7. If the defendant shall hold the legal title to several tracts of land in the same county, he, or his agent or attorney, may, by writing, direct an officer, having an execution against him, to make the amount of the same first out of such of the tracts as he may designate.

1. Such direction shall not preclude the officer from levying on and selling other property at the same time to supply the deficiency, if any, in the sale of the land designated.

2. The proper title papers must be delivered to an officer with the directions.

§ 8. The sheriff who sells land under execution, or his deputy, or a successor of the former, must, on demand, convey the title sold to the purchaser, or his assignee, or his heirs or devisees, if the same is not redeemed.

§ 9. The purchaser of lands sold under execution, and not redeemed, as provided for in this article, shall have the right, after obtaining a conveyance therefor, upon ten days' notice in writing to the defendant in the execution, whose lands have been so sold, to enter a motion on the docket in the circuit court of the county where the lands are situated, for a judgment for the possession of such lands; and if, upon the hearing of such motion, the court shall be of opinion that the plaintiff in the motion is entitled to the possession, it shall render a judgment accordingly, and award the writ of possession, with costs. The proceedings on said motion shall be the same as under chapter 5, title 10, of the Civil Code of Practice. The notice herein referred to shall be, in substance, as follows:

A B to C D, notice :

You are hereby notified that I will, on the — day of —, 189—, enter a motion on the docket of the — Circuit Court for a judgment for the possession of certain lands situated in said county, and State of Kentucky, which lands are described as follows, viz : (description), being the same lands bought by me at a sale duly held under execution which issued from the office of the clerk of — court in favor of —, plaintiff, vs. —, defendant. (See execution book A, execution No. —.) —, A B.

§ 10. If, upon the trial of such motion, it shall appear that the defendant had no title to said lands when sold under execution, the court shall have the power to set the sale aside, and quash the return of the officer, and award execution for the debt as if no sale had been made ; and if it shall appear that the land so sold had been given up by the defendant to the officer for levy and sale, and the sale shall be set aside as aforesaid, the court shall render judgment against the defendant for ten per centum damages upon the amount of the execution, including interest and costs.

§ 11. If it appears in the proceedings aforesaid that the title of the defendant in the execution to the land sold was only equitable, or the land encumbered by mortgage or lien, the court shall, if the purchaser require it, subject the land to the payment of the debt of the execution creditor in the same manner it would do if there was a return of no property found, and may cause such pleadings to be filed and parties brought before the court as may be necessary to a final equitable judgment in respect to the rights of all parties interested.

ARTICLE XIV. SALE OF PROPERTY UNDER EXECUTION.

§ 1. Property shall be liable to levy and sale under execution in the following order : first, personalty ; second, lands.

§ 2. If there is not enough of personal property, the officer may levy on land at the same time, and sell a sufficiency to satisfy the execution.

§ 3. The defendant may, on the day of sale, by writing, direct the property levied on to be sold in any succession he may desire ; and he may produce other property, or the title to land in the county not levied on, and, by writing, direct the same to be then and there first sold, and in that case the residue of the execution and costs, if any, shall be made out of the property levied on.

§ 4. Personalty may be sold at or in the vicinity of the place of levy in ten days after the levy, the time and place of sale and a description of the property being first advertised, by posting written or printed notices ten days preceding at three of the most public places in the vicinity of the place of sale.

§ 5. No crop of any description shall be levied on or sold under execution, attachment, or any other legal or equitable proceeding whatever, except attachment for rent, or to secure a mortgage or statutory lien, unless it shall have been severed from the ground, until after the first day of October in each year. But if the estate of the defendant in the land is liable to be sold, and is levied on and sold, the title to the growing crop may pass by such sale.

ARTICLE XV. EXEMPTED PROPERTY.

§ 1. The following property of persons with a family, resident in this Commonwealth, shall be exempt from execution, attachment, distress, or fee-bill, namely: Two work beasts, or one work beast, and one yoke of oxen; two plows and gear; one wagon and set of gear, or cart or dray; two axes, three hoes, one spade, one shovel; two cows and calves; beds, bedding and furniture sufficient for family use; one loom and spinning-wheel and pair of cards; all the spun yarn and manufactured cloth manufactured by the family necessary for family use; carpeting for all family rooms in use; one table; all books not to exceed fifty dollars in value; two saddles and their appendages; two bridles; six chairs, or so many as shall not exceed ten dollars in value; one cradle; all the poultry on hand; ten head of sheep, not to exceed twenty-five dollars in value; all wearing apparel; sufficient provisions, including breadstuff and animal food, to sustain the family for one year; if not on hand, other personal property, money or growing crop, not to exceed forty dollars in value for each member of the family; provender suitable for live stock, if there be any such stock, not to exceed seventy dollars in value; and if such provender be not on hand, such other property as shall not exceed such sum in value; all washing apparatus, not to exceed fifty dollars in value; one sewing machine, and all family portraits and pictures; one cooking stove and appendages, and other cooking utensils, not to exceed in value twenty-five dollars.

§ 2. A work beast exempted under this law shall not exceed in value one hundred and fifty dollars, and a cow and calf exempted under it shall not exceed in value sixty dollars. If the officer making the levy believes said animals, when levied on, exceed said respective sums in value, or if the plaintiff in the writ levied by the officer demands it, the officer shall have the animals appraised by two disinterested housekeepers of the county, one to be selected by the officer and the other to be selected by the defendant, and, in case of disagreement, then the two shall select a third, who shall be sworn by the officer to discharge the duties of appraisers as required by law in the appraisement of real estate to be sold under execution; and if it shall appear by such appraisement such animals have a greater value than the amounts above specified, then such animals shall

be sold, and the defendant allowed out of the proceeds of sale of each animal the sums above specified, respectively. The officer shall return the appraisement with the writ under which he was acting.

§ 3. The tools, not exceeding one hundred dollars in value, of any mechanic are exempt from levy under execution, attachment, distress for rent or fee-bills. If a mechanic claims the benefit of this section, there shall be but one work beast exempt in his favor. For the purpose of carrying out the provisions of this section, the officer making the levy shall, before he proceeds to sell, ascertain, by the judgment of two discreet, disinterested housekeepers selected and sworn by him, the value of the tools, and set apart for the defendant such as may be selected by him or his agent, not to exceed in amount the sum of one hundred dollars, and may sell the residue. If there be not more than that amount in value, then all the tools shall be set apart to the defendant. A list of the tools so set apart shall be returned by the officer with the process.

§ 4. The libraries of all ministers of the Gospel, and the professional libraries of attorneys-at-law, the professional libraries and instruments of physicians and surgeons, not to exceed in value five hundred dollars, shall be exempt from execution, attachment, distress for rent, or fee-bills: *Provided*, That such ministers, lawyers, physicians and surgeons shall be entitled to only one work beast, and to no wagon, cart or dray.

§ 5. The wages, not to exceed \$50, of all persons who work for wages, shall be exempt from execution, attachment, distress for rent, garnishment or fee-bills: *Provided*, That the exemption of \$50 shall not apply to debts contracted for food, raiment or house rent for the family.

§ 6. In addition to the personal property exempted by this article, there shall, on all debts or liabilities created or incurred after the first day of June, one thousand eight hundred and sixty-six, be exempt from sale under execution, attachment or judgment except to foreclose a mortgage given by the owner of a homestead, or for purchase money due therefor, so much land, including the dwelling-house and appurtenances owned by debtors, who are actual *bona fide* housekeepers with a family, resident in this Commonwealth, as shall not exceed in value one thousand dollars; but this exemption shall not apply to sales under execution, attachment or judgment, if the debt or liability existed prior to the purchase of the land, or of the erection of the improvements thereon.

§ 7. Before a sale under execution, attachment or judgment of land occupied as a homestead, the officer in whose hands the writ or judgment may be shall cause such part thereof, which may be selected by the defendant, as shall not exceed in value one thousand dollars, to be valued under oath, and set apart to him by two disinterested housekeepers of the county, not relat-

ed to either party, to be selected by the court or officer; and in case they disagree, the officer making the sale shall act as umpire.

§ 8. The valuation so made shall be in writing, signed by the persons making it, and returned to the court directing it, or with the execution; and the officer must refer to and explain the proceedings in his return on the execution, which shall be recorded in full.

§ 9. Where the defendant in the execution, attachment or action owns real estate which is levied on or sought to be subjected to the payment of any debt or liability, and the same, in the opinion of the appraisers, is of greater value than one thousand dollars, and not divisible without great diminution of its value, then the same shall be sold under the execution, attachment or judgment, and one thousand dollars of the money arising from the sale shall be paid to the defendant to enable him to purchase another homestead. But there shall be no sale if the land, when offered, does not bring more than one thousand dollars.

§ 10. No mortgage, release or waiver of such exemption shall be valid unless the same be in writing, subscribed by the defendant and his wife, and acknowledged and recorded in the same manner as conveyances of real estate; and such exemption in favor of an execution debtor, or one against whom judgment has been rendered, shall continue after his death for the benefit of his widow and children, but shall be estimated in allotting dower.

§ 11. The homestead shall be for the use of the widow so long as she occupies the same, and the unmarried infant children of the husband shall be entitled to a joint occupancy with her until the youngest unmarried child arrives at full age. But the termination of the widow's occupancy shall not affect the right of the children; but said land may be sold, subject to the right of said widow and children, if a sale is necessary to pay the debts of the husband.

§ 12. The homestead of a woman shall, in like manner, be for the use of her surviving husband and her children, situated as above, and when his and their interest ceases, it shall be disposed of in like manner, and the proceeds applied on the same terms to her debts; if none, divided among her children.

ARTICLE XVI. ENCUMBERED PROPERTY MAY BE SOLD.

§ 1. When the defendant in an execution owns the legal title to land encumbered by lien for the purchase money, or who shall own the legal title in any real or personal estate, and shall have created a *bona fide* encumbrance thereon by mortgage, deed of trust or otherwise, before an execution has created a lien on the same, the interest of the defendant in such property may be levied on and sold, subject to such encumbrance.

1. The purchaser at the sale shall acquire a lien on such property for the purchase money, and interest at the rate of ten per centum per annum from the day of sale until paid, subject to the prior encumbrances.

2. Any other creditor, whether by judgment or otherwise, may, after such execution and sale, by equitable proceedings, subject the encumbered property to sale, and, after satisfying prior liens, have his demand satisfied out of the proceeds of the residue. The proceedings in equity must be instituted before the purchaser has, by suit, removed the encumbrance.

3. The defendant in the execution may redeem the property so sold by paying the original encumbrance, with legal interest thereon, and by paying the purchaser his purchase money, with ten per centum per annum interest thereon.

4. The purchaser of encumbered movable property must, before possession thereof is delivered to him, give an obligation, with good surety, payable to the encumbrancer and the owner, stipulating that the property shall not be removed out of the county, and shall be preserved and forthcoming, unavoidable accidents excepted, to answer the encumbrance, and for redemption, and deliver the obligation to the officer, to be returned with the execution.

5. Courts of equity shall have control of all encumbered property sold under execution, and the power to make all needful orders for the preservation and forthcoming of the property, and its issues and profits, to satisfy the encumbrance, and to secure the rights of others.

ARTICLE XVII. CERTAIN SALES INVALID.

§ 1. Sales made under execution by fraud, covin or collusion may be set aside on the motion of any person aggrieved, or by petition in equity.

1. If by motion, it must be commenced within one year from the sale.

2. It must be made in the court whence the execution issued.

3. The parties affected by the motion must have ten days' previous notice in writing, setting forth the grounds relied on for invalidating the sale.

4. But whenever a sale under execution shall be quashed, vacated or set aside, for any cause not affecting the validity of the execution, said sale, quashed, vacation or setting aside shall in nowise destroy or affect the lien created by the execution or the levy thereunder; but the same shall remain in full force and virtue, and a *venditioni exponas* may be issued on said levy, and the property sold.

§ 2. No officer shall, directly or indirectly, bid for or buy any property which may be sold under an execution by his deputy or principal, or by his co-deputy.

1. The right of property so sold and purchased by any such officer, or by another to his use, shall not thereby be changed.

2. Any deed or bill of sale made for property so sold shall be void.

ARTICLE XVIII. DUTIES AND LIABILITIES OF CERTAIN OFFICERS.

§ 1. When an officer shall delay advertising property for sale taken under execution for more than twenty days after the levy, he may, on the motion of either the plaintiff or defendant in the execution, be fined by the court whence the execution issued, not less than five nor more than twenty dollars and costs, to the use of the party making the motion.

1. The officer must have at least ten days' previous notice, in writing, of such motion.

2. The officer shall, moreover, be liable on his bond to the party aggrieved for damages.

§ 2. It shall be no defense to an action or motion against a collecting officer, for failure of duty of himself or deputy, that the plaintiff directed said officer to delay, or in anywise stay, proceedings thereon, unless said defense is supported by the written consent or request of such plaintiff, his agent or attorney, so to do.

§ 3. When any writ of execution or attachment for not performing a judgment in chancery or equity is placed in an officer's hands to execute, and he shall fail to return the same by the return day thereof, the court whence it issued may, on motion, fine such officer, for the use of the party injured, not exceeding fifty dollars—three days' previous notice of such motion being given.

§ 4. When a sheriff, or other like officer, shall have received the money, or any part thereof, or any writ of execution, or other process, and shall not immediately pay the same to the party entitled thereto, or his agent or attorney, on a proper demand thereof, he and his sureties, or any one of them, or his personal representatives, heirs or devisees, shall be liable to such party for the amount collected, and fifteen per centum per annum interest thereon, from such demand until paid, and the costs of recovery, legal and extraordinary.

1. The remedy shall be by motion or action in the court whence the execution issued.

2. Ten days' previous notice of the motion, specifying the grounds thereof, shall be given.

§ 5. Any sheriff, or other like officer, in whose hands a writ of execution is placed to do execution thereof, who fails to return the same to the office whence it issued for thirty days after the return day of the same, without reasonable excuse for such failure, shall, with his sureties or the personal representatives, heirs or devisees of either be liable, jointly or severally, to the plaintiff in such execution for the amount thereof, and thirty per centum damages thereon, and costs of recovery. The remedy shall be the same as is given in the next preceding section.

§ 6. The foregoing section shall not apply to any case in which the collecting officer had, at the commencement of the proceeding, paid the plaintiff the amount of the execution, or, if he had paid in part, then the thirty per cent. shall only be adjudged against him upon the portion unpaid.

§ 7. If the defendant in an execution is insolvent, and has no property in the county out of which the execution, or any part thereof, can be made, the collecting officer shall not be held liable for the amount thereof by reason of his failure to return the same within thirty days after the return day. But, in such case, the liability shall be for thirty per centum on the amount of the execution.

§ 8. When the sheriff, or other like officer, collects any money under an execution in his hands, and the defendant shall obtain an injunction or other writ staying proceedings on such execution before the money is paid over to the plaintiff, the officer must pay the money, or the part for which the execution is stayed, to the defendant from whom it was collected.

1. Any officer refusing to pay over money as herein directed shall be liable as in case of a refusal to pay over money to the plaintiff collected on execution.

2. All motions allowed by this chapter must be commenced within two years after the cause of such motion accrues.

Mr. Quigley offered an amendment as follows :

Amend section 1, article 15, by inserting after the word "property," in line seventeen, the word "wages."

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Cansler and Dawson, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	D. B. Edmiston,	W. F. Neat,
W. W. Ayres,	McD. Ferguson,	Eli Nicholls,
John Bartman,	John Finn,	Thos. S. Pettit,
W. P. Beard,	J. M. Frazee,	J. F. Porter,
B. T. Birkhead,	J. C. Glenn,	E. M. Pryse,
John Botts,	S. M. Gough,	I. M. Quigley,
P. S. Bruner,	A. L. Harned,	John Ryan,
A. J. Carroll,	P. R. Hays,	C. C. Spalding,
B. E. Caudill,	B. B. Hensley,	Lewis E. Thomas,
A. H. Charlton,	W. J. Hissem,	John M. Tinsley,
R. F. Comer,	W. W. Johnson,	J. H. Welch,
L. J. Cox,	Lewis Y. Leavell,	B. F. Willett,
James R. Dean,	John M. Letterle,	John D. Woods—40.
E. M. Dickson,		

Those who voted in the negative, were—

John T. Bashaw,	H. K. Hay,	W. F. Peak,
Polk Cansler,	Daniel James,	C. D. Reed,
W. J. Cox,	William Krieger,	S. H. Shouse,
J. M. Dawson, Jr.,	C. W. Mathers,	D. W. Tribble,
Thos. H. Hanks,	M. D. McInerney,	N. S. Walton—15.

Mr. Quigley offered an amendment as follows :

Strike out section 5 of article 15.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Ferguson and Quigley, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	L. J. Cox,	Lewis Y. Leavell,
W. W. Ayres,	E. M. Dickson,	John M. Letterle,
John Bartman,	D. B. Edmiston,	W. F. Neat,
W. P. Beard,	McD. Ferguson,	J. F. Porter,
B. T. Birkhead,	S. M. Gough,	I. M. Quigley,
John Botts,	U. G. Harlow,	R. E. Roberts,
A. J. Carroll,	A. L. Harned,	John Ryan,
B. E. Caudill,	P. R. Hays,	John M. Tinsley—25.
A. H. Charlton,		

Those who voted in the negative, were—

Mr. (Speaker Moore),	H. K. Hay,	Thos. S. Pettit,
W. S. Bailey,	B. B. Hensley,	E. M. Pryse,
P. S. Bruner,	W. J. Hissem,	C. D. Reed,
Polk Cansler,	F. W. Hutcheson,	D. H. Severs,
R. F. Comer,	Daniel James,	S. H. Shouse,
W. J. Cox,	W. W. Johnson,	C. C. Spalding,
J. S. Cullen,	H. P. Lively,	J. R. Summers,
J. M. Dawson, Jr.,	C. W. Mathers,	D. W. Tribble,
John Finn,	M. D. McInerney,	N. S. Walton,
J. C. Glenn,	Eli Nicholls,	John D. Woods—32.
Thos. H. Hanks,	W. F. Peak,	

Mr. Ferguson offered an amendment as follows, viz :

Amend section 1 of article 16 by striking out the word "ten," in line nine, and by inserting in lieu thereof "six."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Ferguson and Ayres, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Dawson, Jr.,	Henry Kremer,
Lewis Alexander, Sr.,	McD. Ferguson,	H. P. Lively,
W. W. Ayres,	John Finn,	M. D. McInerney,
W. S. Bailey,	Wm. Garrison,	W. F. Neat,
W. P. Beard,	J. C. Glenn,	Thos. S. Pettit,
B. T. Birkhead,	U. G. Harlow,	J. F. Porter,
P. S. Bruner,	B. B. Hensley,	E. M. Pryse,
Polk Cansler,	W. J. Hissem,	W. R. Stewart,
R. F. Comer,	F. W. Hutcheson,	J. R. Summers,
L. J. Cox,	R. M. Kincheloe,	N. S. Walton—31.
J. S. Cullen,		

Those who voted in the negative, were—

John Bartman,	A. L. Harned,	I. M. Quigley,
John Botts,	H. K. Hay,	C. D. Reed,
A. J. Carroll,	P. R. Hays,	R. E. Roberts,
A. H. Charlton,	Daniel James,	John Ryan,
W. J. Cox,	W. W. Johnson,	S. H. Shouse,
E. M. Dickson,	Lewis Y. Leavell,	C. C. Spalding,
J. M. Frazee,	John M. Letterle,	Lewis E. Thomas,
Ben. F. Gardner,	C. W. Mathers,	John M. Tinsley,
J. P. Gay,	Eli Nicholls,	J. H. Welch,
S. M. Gough,	W. F. Peak,	John D. Woods—31.
Thos. H. Hanks,		

Ordered, That said bill be read the third time.

Said bill was read the third time by its title,

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	John Finn,	Eli Nicholls,
Lewis Alexander, Sr.,	J. M. Frazee,	W. F. Peak,
W. W. Ayres,	J. P. Gay,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
W. P. Beard,	Thos. H. Hanks,	E. M. Pryse,
B. T. Birkhead,	U. G. Harlow,	I. M. Quigley,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	R. E. Roberts,
Polk Cansler,	P. R. Hays,	John Ryan,
A. J. Carroll,	B. B. Hensley,	D. H. Severs,

B. E. Caudill,	W. J. Hissem,	S. H. Shouse,
A. H. Charlton,	F. W. Hutcheson,	C. C. Spalding,
R. F. Comer,	Daniel James,	W. R. Stewart,
L. J. Cox,	W. W. Johnson,	J. R. Summers,
W. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
J. S. Cullen,	Lewis Y. Leavell,	John M. Tinsley,
J. M. Dawson, Jr.,	John M. Letterle,	N. S. Walton,
James R. Dean,	H. P. Lively,	J. H. Welch,
E. M. Dickson,	C. W. Mathers,	B. F. Willett,
D. B. Edmiston,	M. D. McInerney,	John D. Woods—61.
McD. Ferguson,	W. F. Neat,	

In the negative—Wm. Garrison—1.

Resolved, That the title thereof be as aforesaid.

Mr. Finn entered a motion to reconsider the vote by which the House failed to pass

H. B. 514. A bill to prohibit book-making and pool-selling in this Commonwealth.

The House took from the orders of the day bills and a resolution, as follows, viz :

H. B. 508. A bill creating a chronic asylum for female insane out of the school for the training and education of feeble-minded children.

H. B. 541. A bill to promote the study of medicine and surgery in this Commonwealth.

S. B. 200. An act to repeal an act prohibiting the sale of spirituous, vinous or malt liquors in the voting precincts of Million and Poosey, in the county of Madison.

S. B. 201. An act to prevent and punish unlawful interference with the transportation of freight and passengers, and the conduct of traffic in this Commonwealth.

S. B. 238. An act to amend an act, entitled "An act to increase the efficiency of Inspector of Mines, and more fully provide for the protection of the lives and health of persons employed in the coal mines of this State," approved 13th January, 1893.

S. B. 239. An act to regulate the sale of poisons in this Commonwealth.

Said bills were severally read the second time by their titles,

The constitutional provision as to the second reading at length of said bills being dispensed with.

The last-named bill was made the special order for Wednesday, May 24, 1893.

Also H. B. 543. A bill to amend an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, without the approval of the Governor.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That section 14 of an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, without the signature of the Governor, be, and the same is hereby, amended, by adding thereto the following words: "*Provided, however*, That the above mentioned clause declaring that 'all elections for directors shall be by ballot, and shall be held in this State,' " shall not apply to corporations created and organized for educational purposes only, and having no capital stock, and in which the tuition to students is free.

Said section, when so amended will read as follows: "The affairs of each corporation shall be managed by a board of not less than three directors, each of whom shall own in his own right not less than three shares of capital stock; they shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business. All elections for directors shall be by ballot, and shall be held in this State; and, in the first instance, the directors shall be elected at a meeting held before the corporation is authorized to commence business, and thereafter at an annual meeting of the stockholders to be held on the day named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held; and notice of any change shall be given to each stockholder twenty days before the election is held; and if, for any cause, an election is not held on the day named in the by-laws, a special meeting for that purpose shall be called within thirty days thereafter, of which due notice shall be given to each stockholder, in person or by letter mailed to his last known address. A stockholder may vote at any meeting by proxy, in writing, signed by him, and attested in such manner as the by-laws may prescribe; and a vacancy in the board of directors shall be filled by the board, and the directors so appointed shall hold office until the next annual election. The directors of any corporation may, by a vote of the stockholders, be divided into one, two or three classes, the term of office of those of the first class to expire at the annual election next ensuing, of the second class, one year thereafter, and of the third class, two years thereafter ;

and at each annual election held after such classification, directors shall be chosen for two or three years, as the case may be, to succeed those whose terms expire. But each director of a banking, trust or insurance company, or building and loan association, must own in his own right five shares of capital stock, and a majority of them must be residents of Kentucky during their terms of office: *Provided, however,* That the above-mentioned clause, declaring that all elections for directors shall be by ballot, and shall be held in this State, shall not apply to corporations created and organized for educational purposes only, and having no capital stock, and in which tuition to students is free.

§ 2. It appearing important that the organization of educational institutions in this State shall be encouraged to prompt and efficient organization, an emergency is hereby declared to exist, and this act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	George Will Follis,	C. W. Mathers,
W. W. Ayres,	J. M. Frazee,	W. F. Neat,
W. S. Bailey,	Wm. Garrison,	Eli Nicholls,
John Bartman,	Ben. F. Gardner,	W. F. Peak,
W. P. Beard,	J. P. Gay,	Thos. S. Pettit,
B. T. Birkhead,	J. C. Glenn,	J. F. Porter,
John Botts,	S. M. Gough,	E. M. Pryse,
P. S. Bruner,	Thos. H. Hanks,	I. M. Quigley,
Polk Cansler,	A. L. Harned,	C. D. Reed,
A. J. Carroll,	H. K. Hay,	R. E. Roberts,
B. E. Caudill,	P. R. Hays,	John Ryan,
A. H. Charlton,	W. J. Hissem,	D. H. Severs,
R. F. Comer,	F. W. Hutcheson,	S. H. Shouse,
L. J. Cox,	Daniel James,	C. C. Spalding,
W. J. Cox,	W. W. Johnson,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	Henry Kremer,	John M. Tinsley,
James R. Dean,	William Krieger,	D. W. Tribble,
E. M. Dickson,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	John M. Letterle,	B. F. Willett,
McD. Ferguson,	H. P. Lively,	John D. Woods—64.
John Finn,		

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Also H. Resolution 100, directing certain inmates of the Institution for the Education and Training of Feeble-minded Children to be returned to the counties from which they came.

Said resolution reads as follows :

Be it resolved by the General Assembly of the Commonwealth of Kentucky : 1. Since it is shown by a report made March 25, 1893, in response to a resolution of inquiry by the Superintendent of the School for the Education and Training of Feeble-Minded Children, in answer to question four, which asks the length of time each pupil has been in the school, he says : " Four have been here 12 years, 4 13 years, 1 14 years, 5 15 years, 3 16 years, 3 17 years, 3 18 years, 1 19 years, 1 20 years, 1 21 years, 1 22 years, 1 23 years, 1 24 years, 1 28 years, making 31 who have been there for 12 years and over." He further says : " Those who have been here for twelve years and over are kept as help about the Institution." Yet for these he receives the same capitation as for the rest of the pupils. This was chartered as a School for the Education and Training of Feeble-Minded Children. Section 17 reads : " It is distinctly avowed in this act that said Institution is not an asylum for the custodial care of unimprovable idiots, but a School for the Education of Feeble-Minded Children." In act of 1880, chapter 1550, we read : " Be it so amended, that it shall be the duty of the Medical Superintendent of the Institution to return to the county judge of the county from which they were sent, and now confined therein, all pupils whose mental condition is such, in the opinion of the Superintendent, that further attempts to educate and train them will not prove beneficial to the State."

2. *Be it resolved*, That these thirty-one persons above-named be sent back to the counties from which they came, and also as many other children in the school not being actually educated and trained in accord with the curriculum of school and the laws governing this school. That the Auditor shall not draw his warrant hereafter for any children not so taught and trained.

3. Since this session may be prolonged, and it is to the interest of the State that these people should be sent home, that an emergency is hereby declared, and it shall take effect from and after its passage and approval by the Governor.

Mr. Mathers offered the following amendment, viz :

Strike out sections 2 and 3 and insert in lieu thereof the following, viz : " § 2. That these thirty-one persons above-named, and all pupils in the school at present 21 years old and over, and also as many other children in the school not being actually educated and taught in accord with the curriculum of the school and the laws governing this school, shall be sent back to the counties from which they came. That the Auditor shall not hereafter draw his warrant for any children not so taught, or who has attained the age of 21 years."

Said amendment was agreed to.

Ordered, That said resolution, as amended, be read the third time.

Said resolution, as amended, was read the third time and adopted.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	C. W. Mathers,
Lewis Alexander, Sr.,	Ben. F. Gardner,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
W. P. Beard,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	E. M. Pryse,
P. S. Bruner,	A. L. Harned,	C. D. Reed,
Polk Cansler,	P. R. Hays,	R. E. Roberts,
B. E. Caudill,	B. B. Hensley,	John Ryan,
R. F. Comer,	W. J. Hissem,	D. H. Severs,
W. J. Cox,	F. W. Hutcheson,	S. H. Shouse,
J. S. Cullen,	Daniel James,	W. R. Stewart,
J. M. Dawson, Jr.,	W. W. Johnson,	J. R. Summers,
James R. Dean,	R. M. Kincheloe,	Lewis E. Thomas,
E. M. Dickson,	William Krieger,	John M. Tinsley,
D. B. Edmiston,	Lewis Y. Leavell,	N. S. Walton,
McD. Ferguson,	John M. Letterle,	B. F. Willett,
John Finn,	H. P. Lively,	John D. Woods—55.
George Will. Follis,		

Those who voted in the negative, were—

A. J. Carroll,	J. M. Frazee,	C. C. Spalding—5.
L. J. Cox,	M. D. McInerney,	

Resolved, That the title thereof be as aforesaid.

Also H. B. 515. A bill prescribing the duties of all peace officers of this Commonwealth in making, or causing to be made, arrests in certain cases, and fixing a penalty for a failure of their duties therein,

Together with the amendment proposed thereto by the Senate.

Said amendment was concurred in, and said bill, as amended thereby, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	John Finn,	H. P. Lively,
Lewis Alexander, Sr.,	George Will. Follis,	C. W. Mathers,

W. W. Ayres,	J. M. Frazee,	M. D. McInerney,
W. S. Bailey,	Wm. Garrison,	W. F. Neat,
John Bartman,	Ben. F. Gardner,	Eli Nicholls,
W. P. Beard,	J. C. Glenn,	W. F. Peak,
John Botts,	S. M. Gough,	Thos. S. Pettit,
P. S. Bruner,	Thos. H. Hanks,	J. F. Porter,
Polk Cansler,	U. G. Harlow,	E. M. Pryse,
A. J. Carroll,	A. L. Harned,	C. D. Reed,
B. E. Caudill,	H. K. Hay,	John Ryan,
A. H. Charlton,	P. R. Hays,	D. H. Severs,
R. F. Comer,	B. B. Hensley,	S. H. Shouse,
L. J. Cox,	W. J. Hissem,	C. C. Spalding,
W. J. Cox,	F. W. Hutcheson,	W. R. Stewart,
J. S. Cullen,	Daniel James,	J. R. Summers,
J. M. Dawson, Jr.,	W. W. Johnson,	John M. Tinsley,
James R. Dean,	R. M. Kincheloe,	D. W. Tribble,
E. M. Dickson,	William Krieger,	N. S. Walton,
D. B. Edmiston,	Lewis Y. Leavell,	B. F. Willett,
McD. Ferguson,	John M. Letterle,	John D. Woods—63.

In the negative—none.

Also S. B. 224. An act dividing the State into thirty-eight Senatorial Districts.

Ordered, That said bill be recommitted to the Committee on Legislative Districts.

Also H. B. 528. A bill in relation to commissioners and receivers of circuit courts.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The offices of commissioner and receiver of circuit courts shall be united in one person, to be styled "Master Commissioner of the Court," unless in the opinion of the court the public interest will be subserved by the separation of the two offices, in which event the court shall appoint an officer who shall be called receiver of the court, and shall hold his office for four years unless removed, as he may be, at the pleasure of the court.

§ 2. Before entering upon the discharge of his duties, the receiver shall take an oath in open court that he will faithfully and honestly discharge the duties of his office, and shall give bond, with good sureties, to be approved by the court, in a penal sum to be fixed by the court, payable to the clerk of the court, and conditioned that the receiver shall correctly and faithfully discharge all the duties of his office, and shall account for all moneys received, and pay or deliver the same when and as ordered by the court.

§ 3. Each circuit court may select and designate by order a bank, State or National, as a place of deposit for moneys paid into court. Such bank shall, before receiving the deposit, execute bond, with good sureties, to be approved by the court, in a penal sum to be fixed by the court, payable to the clerk of the court, and conditioned to pay all moneys deposited by the receiver or commissioner upon any check drawn by him under order of court.

§ 4. It shall be the duty of the receiver, or the commissioner acting as such, to receive into his custody and safely keep all moneys paid to him under order of court, and if any depository has been selected by the court, he shall, as soon as practicable, deposit such moneys therein. Moneys so paid into court shall be paid out by the commissioner or receiver on the written order of the court, attested by the clerk, and not otherwise.

§ 5. The receiver and depository shall, at the beginning of each term of court, report to the court the amount of money on deposit, and the receiver's report shall show the case in which each deposit exists; and in courts in continual session such a report shall be made as provided by rule of court.

§ 6. The receiver shall keep his office in or near the courthouse, and shall attend in the same during hours to be fixed by the court, and to be indicated by a sign on or over the door. Such attendance shall be daily during the time the court is in session, except that in courts in continual session the courts may, by rule or order allow the receiver a vacation or leave of absence.

§ 7. The court shall, when practicable, require the depository to pay interest on the deposit, and such interest shall be devoted, under proper rules or orders of the court, to the payment of costs in each case.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	D. B. Edmiston,	John M. Letterle,
Lewis Alexander, Sr.,	McD. Ferguson,	H. P. Lively,
W. W. Ayres,	John Finn,	M. D. McInerney
W. S. Bailey,	George Will. Follis,	W. F. Neat,
John Bartman,	J. M. Frazee,	Eli Nicholls,
W. P. Beard,	Ben. F. Gardner,	W. F. Peak,
B. T. Birkhead,	J. C. Glenn,	Thos. S. Pettit,
John Botts,	S. M. Gough,	J. F. Porter,
P. S. Bruner,	Thos. H. Hanks,	E. M. Pryse,
Polk Cansler,	A. L. Harned,	C. D. Reed,
A. J. Carroll,	P. R. Hays,	R. E. Roberts,
B. E. Caudill,	B. B. Hensley,	John Ryan,
A. H. Charlton,	W. J. Hissem,	D. H. Severs,

R. F. Comer,	F. W. Hutcheson,	S. H. Shouse,
L. J. Cox,	Daniel James,	C. C. Spalding,
W. J. Cox,	W. W. Johnson,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,
J. M. Dawson, Jr.,	Henry Kremer,	N. S. Walton,
James R. Dean,	William Krieger,	John D. Woods—59.
E. M. Dickson,	Lewis Y. Leavell,	

In the negative—none.

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, MAY 19, 1893.

The House was opened with prayer by Rev. Father W. E. Gorey, of the Roman Catholic Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	McD. Ferguson,	H. P. Lively,
Lewis Alexander, Sr.,	John Finn,	C. W. Mathers,
W. W. Ayres,	J. M. Frazee,	W. H. May,
W. S. Bailey,	Wm. Garrison,	Eli Nicholls,
W. P. Beard,	J. C. Glenn,	W. F. Peak,
B. T. Birkhead,	S. M. Gough,	Thos. S. Pettit,
P. S. Bruner,	U. G. Harlow,	J. F. Porter,
Polk Cansler,	A. L. Harned,	E. M. Pryse,
B. E. Caudill,	H. K. Hay,	A. T. Pullen,
A. H. Charlton,	B. B. Hensley,	C. D. Reed,
R. F. Comer,	F. W. Hutcheson,	John Ryan,
L. J. Cox,	Daniel James,	S. H. Shouse,
Will J. Cox,	W. W. Johnson,	C. C. Spalding,
J. S. Cullen,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	Henry Kremer,	John M. Tinsley,
James R. Dean,	William Krieger,	D. W. Tribble,
E. M. Dickson,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	John M. Letterle,	John D. Woods—54

The following members were absent, viz :

T. J. Arnett,	R. K. Hart,	I. M. Quigley,
Posey D. Ball,	P. R. Hays,	R. E. Roberts,

John Bartman,	W. J. Hissem,	D. H. Severs,
John T. Bashaw,	Berry Howard,	Waller Sharp,
R. F. Bass,	J. S. Joplin,	Fenton Sims,
B. F. Bennett,	T. S. Kirk,	W. W. Stephenson,
John Botts,	John S. May,	W. R. Stewart,
A. J. Carroll,	Hiram McElroy,	Samuel O. Tate,
F. P. Combest,	M. D. McInerney,	Lewis E. Thomas,
Wesley Crow,	Harvey Myers,	J. R. Thomas,
J. E. Durham,	W. F. Neat,	J. H. Welch,
George Will. Follis,	J. P. O'Meara,	H. P. Whitaker,
Ben. F. Gardner,	John Lee Payne,	B. F. Willett,
J. P. Gay,	J. A. Perkins,	Geo. E. Willett,
Geo. T. Halbert,	Granville Philpot,	R. B. Wilson—46.
Thos. H. Hanks,		

The Journal of yesterday's proceedings was approved.

Mr. Bailey introduced a bill, entitled

H. B. 546. A bill authorizing the Commissioners of the Sinking Fund to extend the State sewer leading from the Frankfort penitentiary along Mero street, toward the Kentucky river, from its present terminus to the river, and making an appropriation therefor, and declaring an emergency.

Which was referred to the Committee on State Prisons and House of Reform.

Mr. Walton, from the Committee on Printing and Accounts, reported H. Resolution 105, entitled

Resolution directing the Public Printer to print one thousand copies of the charter for towns and cities of the sixth class.

Mr. Tinsley, from the Committee on Internal Improvements, reported S. B. 236, entitled

An act to regulate and control turnpike and gravel and plank roads,

With sundry amendments.

Mr. Shouse, from the Committee on Agriculture and Manufactures, reported H. Resolution 102, entitled

Resolution directing the Attorney-General to institute proceedings against the Kentucky Leaf Tobacco Exchange.

Said resolutions and bill were severally read the first time, ordered to be printed, and read the second time on another day.

The House took up the special order, a bill, entitled

S. B. 165. An act in relation to descent and distribution, and entitled "Descent and Distribution."

Ordered, That said bill be placed in the orders of the day.

A message was received from the Senate, announcing that they had concurred in amendments Nos. 1, 2, 3 and 4 proposed by the House of Representatives; had refused to concur in amendments Nos. 7 and 9 proposed by the House, and had concurred in amendments Nos. 5, 6, 8 and 11 proposed by the House, with amendments to said last-named amendments, relative to

S. B. 225. An act for the government of cities of the fifth class.

The House took up said bill for consideration.

[*See Bill in House Journal May 8, 1893.*]

The amendments proposed by the House to said bill are as follows:

[*Copy of Amendments not furnished Public Printer.*]

The amendments proposed by the Senate to the amendments proposed by the House to said bill are as follows:

[*Copy of Amendments not furnished Public Printer.*]

The House concurred in the several amendments proposed by the Senate to the amendments proposed by the House to said bill.

The House receded from its amendment No. 7, and refused to recede from its amendment No. 9.

Mr. Will. J. Cox moved that a committee of three be appointed by the Speaker on the part of the House, to ask for the appointment of a like committee on the part of the Senate, the two committees to take into consideration the matters of difference and disagreement between the two branches of the General Assembly relative to said bill.

Said motion was agreed to.

Thereupon the Speaker named as said committee on the part of the House Messrs. Will. J. Cox, Walton and Bailey.

The House took from the orders of the day H. B. 534, entitled
A bill for the government of cities of the first class.

Said bill reads as follows, viz :

[See Bill in House Journal March 29, 1893.]

Mr. Kremer offered an amendment as follows :

Amend section 101 by striking out the words " within thirty days after the charter takes effect and," and the word, "there-after," in lines one and two.

Said amendment was agreed to.

Mr. Kremer offered the following as a substitute for section 104, viz :

§ 104. There shall be elected by the general council a city attorney, whose duty it shall be to give legal advice to the mayor and members of the general council, and all other officers and boards of the city, in the discharge of their official duties. If requested, he shall give his opinions in writing, and they shall be preserved for reference. It shall be his duty to prosecute and defend all suits for and against the city, and to attend such other legal business as may be prescribed by the general council. His salary and term shall be fixed by the general council.

Said substitute amendment was agreed to.

Mr. Kremer offered an amendment to section 111, viz :

Strike out the words "shall receive no fees and," in lines two and three, and strike out lines four, five and six entire.

Said amendment was agreed to.

Mr. Kremer offered an amendment to section 112 as follows :

Strike out the words "from the State," in line two, and strike out the words "circuit judges" in line three, and insert in lieu of the latter "other city officers."

Mr. Peak offered an amendment to section 113 as follows :

Strike out of line six the words "the State and."

Said amendment was agreed to.

Mr. Kremer offered an amendment to section 114, as follows :

Strike out the word "State," where it occurs in lines 5, 6 and 7, and insert in lieu thereof "city."

Said amendment was agreed to.

Mr. Kremer moved that section 115 be stricken out entire.

Said motion was agreed to.

Mr. Kremer offered the following amendment to section 175 by way of substitute therefor, viz :

§ 175. Each city may raise a revenue from ad valorem tax, and from a poll-tax and license fees ; and to that end the common council of each city is hereby authorized and empowered to provide each year, by ordinance, for the assessment of all real and personal estate within the corporate limits thereof, subject to taxation for State purposes, and to levy an ad valorem tax on same, not exceeding the rate and limit prescribed in the Constitution, and for school purposes not exceeding fifty cents on each one hundred dollars of taxable property therein, or such portion of the poll-tax or license fees as the council may designate ; and to levy a poll-tax not exceeding one dollar and fifty cents on each adult male inhabitant thereof, and to impose license fees on stock used for breeding purposes, on franchises, trades, occupations and professions, and provide for the collection thereof. All taxes and license fees shall be levied or imposed by ordinance, and the purpose or purposes for which the same are levied or imposed shall be specified therein, and the revenue therefrom shall be expended for no other purpose than that for which it is collected. The license taxes shall be collected by the Commissioners of the Sinking Fund ; all other taxes shall be collected by the tax receiver.

Mr. Pettit moved to amend said substitute as follows :

Strike out "may," in line one, and insert "shall ;" strike out "from," in line two, and insert "may levy."

Said motion to amend was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and Beard, were as follows, viz :

Those who voted in the affirmative, were--

W. P. Beard,	B. E. Candill,	H. P. Lively,
B. T. Birkhead,	Thos. H. Hanks,	Thos. S. Pettit,
John Botts,	P. R. Hays,	S. H. Shouse,
P. S. Bruner,	W. W. Johnson,	W. R. Stewart—12.

Those who voted in the negative, were—

Mr. Speaker (Moore),	Wm. Garrison,	W. F. Neat,
Lewis Alexander, Sr.,	J. P. Gay,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
John Bartman,	U. G. Harlow,	E. M. Pryse,

Polk Cansler,	A. L. Harned,	I. M. Quigley,
A. J. Carroll,	B. B. Hensley,	C. D. Reed,
A. H. Charlton,	F. W. Hutcheson,	R. E. Roberts,
R. F. Comer,	Daniel James,	John Ryan,
L. J. Cox,	R. M. Kincheloe,	D. H. Severs,
W. J. Cox,	Henry Kremer,	C. C. Spalding,
J. S. Cullen,	William Krieger,	John M. Tinsley,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	D. W. Tribble,
E. M. Dickson,	John M. Letterle,	N. S. Walton,
D. B. Edmiston,	C. W. Mathers,	J. H. Welch,
McD. Ferguson,	W. H. May,	B. F. Willett,
John Finn,	M. D. McInerney,	John D. Woods—52.
J. M. Frazee,		

Mr. Kremer offered the following amendments to section 205, viz:

Strike out "shall," in line one, and insert "may."

Strike out "hundred," in line thirty-eight, and insert "thousand."

"Strike out "three," in line ninety-one, and insert "two."

Said amendments were agreed to.

Mr. Kremer offered the following substitute for section 240:

§ 240. Where for county governmental purposes the city is by law separated from the remainder of the county, the city may unite with the county, and, by ordinance, supplement the salaries paid by the State to the circuit judges and the Commonwealth attorney, so that the total paid by both the city and county when added to that paid by the State, shall not exceed five thousand dollars.

Mr. Kremer moved to strike out section 242 entire.

Said amendment motion was agreed to.

Mr. Kremer offered amendments to section 247 as follows:

Insert after "bond," in line three, "and time of election."

Strike out "but no fees shall be allowed any officer," in lines three and four.

Said amendments were agreed to.

Mr. Kremer moved to strike out section 249 entire.

Said motion was agreed to.

Ordered, That said bill, as amended, be engrossed and read the third time.

Said bill being engrossed, was read the third time by its title, The constitutional provision as to the reading of said bill the third time at length being dispensed with.

Said bill, as amended and engrossed, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	C. W. Mathers,
Lewis Alexander, Sr.,	J. M. Frazee,	W. H. May,
W. W. Ayres,	Wm. Garrison,	M. D. McInerney,
W. S. Bailey,	J. P. Gay,	W. F. Neat,
John Bartman,	J. C. Glenn,	Eli Nicholls,
W. P. Beard,	S. M. Gough,	W. F. Peak,
B. T. Birkhead,	Thos. H. Hanks,	Thos. S. Pettit,
John Botts,	U. G. Harlow,	J. F. Porter,
P. S. Bruner,	A. L. Harned,	E. M. Pryse,
Polk Cansler,	P. R. Hays,	C. D. Reed,
A. J. Carroll,	B. B. Hensley,	John Ryan,
A. H. Charlton,	F. W. Hutcheson,	D. H. Severs,
R. F. Comer,	Daniel James,	S. H. Shouse,
L. J. Cox,	W. W. Johnson,	C. C. Spalding,
W. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	Henry Kremer,	John M. Tinsley,
J. M. Dawson, Jr.,	William Krieger,	N. S. Walton,
James R. Dean,	Louis Y. Leavell,	J. H. Welch,
E. M. Dickson,	John M. Letterle,	B. F. Willett,
D. B. Edmiston,	H. P. Lively,	John D. Woods—61.
McD. Ferguson,		

In the negative—I. M. Quigley—1.

Resolved, That the title thereof be as aforesaid.

Mr. W. H. May, from the Committee on Municipalities, reported H. B. 539, entitled

A bill for the government of cities of the second class.

Said bill was read the second time by its title,

The constitutional provision as to the reading of said bill the second time at length being dispensed with.

Ordered, That said bill be recommitted to said committee.

Mr. Ball, from same committee, reported S. B. 21Q, entitled

An act for the government of cities of the third class.

Said bill was read the second time by its title,

The constitutional provision as to the reading of said bill the second time at length being dispensed with.

Ordered, That said bill be recommitted to said committee, and that they be instructed to report same to this House on Wednesday, May 24, 1893, as a special order.

And then the House adjourned.

SATURDAY, MAY 20, 1893.

The House was opened with prayer by Rev. Father Gorey, of the Catholic Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	E. M. Dickson,	W. F. Neat,
Lewis Alexander, Sr.,	McD. Ferguson,	Eli Nicholls,
W. W. Ayres,	John Finn,	W. F. Peak,
W. S. Bailey,	J. M. Frazee,	J. F. Porter,
John T. Bashaw,	Wm. Garrison,	E. M. Pryse,
W. P. Beard,	J. C. Glenn,	A. T. Pullen,
B. T. Birkhead,	S. M. Gough,	C. D. Reed,
John Botts,	Thos. H. Hanks,	John Ryan,
P. S. Bruner,	A. L. Harned,	D. H. Severs,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
A. J. Carroll,	F. W. Hutcheson,	C. C. Spalding,
B. E. Caudill,	W. W. Johnson,	W. R. Stewart,
A. H. Charlton,	R. M. Kincheloe,	J. R. Summers,
L. J. Cox,	Lewis Y. Leavell,	John M. Tinsley,
W. J. Cox,	H. P. Lively,	D. W. Tribble,
J. S. Cullen,	C. W. Mathers,	N. S. Walton,
J. M. Dawson, Jr.,	W. H. May,	John D. Woods—52.
James R. Dean,		

The following members were absent, viz :

T. J. Arnett,	H. K. Hay,	J. A. Perkins,
Posey D. Ball,	B. B. Hensley,	Thos. S. Pettit,
John Bartman,	W. J. Hissem,	Granville Philpot,
R. F. Bass,	Berry Howard,	I. M. Quigley,
B. F. Bennett,	Daniel James,	R. E. Roberts,
F. P. Combest,	J. S. Joplin,	Waller Sharp,
R. F. Comer,	T. S. Kirk,	Fenton Sims,
Wesley Crow,	Henry Kremer,	W. W. Stephenson,
J. E. Durham,	William Krieger,	Samuel O. Tate,
D. B. Edmiston,	John M. Letterle,	Lewis E. Thomas,
George Will. Follis,	John S. May,	J. R. Thomas,
Ben. F. Gardner,	Hiram McElroy,	J. H. Welch,
J. P. Gay,	M. D. McInerney,	H. P. Whitaker,
Geo. T. Halbert,	Harvey Myers,	B. F. Willett,
U. G. Harlow,	J. P. O'Meara,	Geo. E. Willett,
R. K. Hart,	John Lee Payne,	R. B. Wilson—48.

The Journal of yesterday's proceedings was approved.

By consent of the House, Mr. Ferguson withdrew the motion heretofore entered by him to reconsider the vote by which the House refused to pass

S. B. 206. An act providing for the appointment of clerks for grand juries in certain cases.

The House took from the orders of the day bills of the following titles, viz :

S. B. 201. An act to prevent and punish unlawful interference with the transportation of freight and passengers, and the conduct of traffic in this Commonwealth.

Ordered, That said bill be made the special order for Thursday, May 25, 1893.

S. B. 165. An act in relation to descent and distribution, and entitled "Descent and Distribution."

Ordered, That said bill be made the special order for Friday, May 26, 1893.

H. B. 514. A bill to prohibit book-making and pool-selling.

Ordered, That said bill be made the special order for Wednesday, May 31, 1893.

And then the House adjourned.

MONDAY, MAY 22, 1893.

The House was opened with prayer by Rev. W. C. Taylor, of the Baptist Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	McD. Ferguson,	W. F. Neat,
Lewis Alexander, Sr.,	John Finn,	Eli Nicholls,
W. W. Ayres,	J. M. Frazee,	W. F. Peak,
Posey D. Ball,	Wm. Garrison,	J. F. Porter,
John T. Bashaw,	J. C. Glenn,	E. M. Pryse,
B. T. Birkhead,	S. M. Gough,	A. T. Pullen,

John Botts,	Thos. H. Hanks,	C. D. Reed,
P. S. Bruner,	A. L. Harned,	John Ryan,
Polk Cansler,	P. R. Hays,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	Waller Sharp,
L. J. Cox,	Daniel James,	C. C. Spalding,
W. J. Cox,	W. W. Johnson,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	John M. Tinsley,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. H. Welch,
James R. Dean,	H. P. Lively,	John D. Woods—45.

The following members were absent, viz :

T. J. Arnett,	R. K. Hart,	J. A. Perkins,
W. S. Bailey,	H. K. Hay,	Thos. S. Pettit,
John Bartman,	B. B. Hensley,	Granville Philpot,
R. F. Bass,	W. J. Hissem,	I. M. Quigley,
W. P. Beard,	Berry Howard,	R. E. Roberts,
B. F. Bennett,	J. S. Joplin,	S. H. Shouse,
A. J. Carroll,	T. S. Kirk,	Fenton Sims,
A. H. Charlton,	Henry Kremer,	W. W. Stephenson,
F. P. Combest,	William Krieger,	J. R. Summers,
R. F. Comer,	Jno. M. Letterle,	Samuel O. Tate,
Wesley Crow,	C. W. Mathers,	Lewis E. Thomas,
E. M. Dickson,	W. H. May,	J. R. Thomas,
J. E. Durham,	John S. May,	D. W. Tribble,
D. B. Edmiston,	Hiram McElroy,	N. S. Walton,
George Will. Follis,	M. D. McInerney,	H. P. Whitaker,
Ben. F. Gardner,	Harvey Myers,	B. F. Willett,
J. P. Gay,	J. P. O'Meara,	Geo. E. Willett,
Geo. T. Halbert,	John Lee Payne,	R. B. Wilson—55.
U. G. Harlow,		

There being no quorum present, Mr. Cansler moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MAY 23, 1893.

The House was opened with prayer by Rev. W. C. Taylor, of the Baptist Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their, names viz :

Mr. Speaker (Moore),	John Finn,	Hiram McElroy,
Lewis Alexander, Sr.,	J. M. Frazee,	W. F. Neat,
W. W. Ayres,	Wm. Garrison,	Eli Nicholls,
W. S. Bailey,	J. C. Glenn,	W. F. Peak,
Posey D. Ball,	S. M. Gough,	J. F. Porter,
B. F. Bennett,	Thos. H. Hanks,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
John Botts,	H. K. Hay,	C. D. Reed,
P. S. Bruner,	P. R. Hays,	John Ryan,
Polk Cansler,	B. B. Hensley,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	Waller Sharp,
F. P. Combest,	Daniel James,	S. H. Shouse,
L. J. Cox,	W. W. Johnson,	C. C. Spalding,
W. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	William Krieger,	J. R. Summers,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
James R. Dean,	H. P. Lively,	John M. Tinsley,
D. B. Edmiston,	C. W. Mathers,	N. S. Walton,
McD. Ferguson,	W. H. May,	John D. Woods—57.

The following members were absent, viz :

T. J. Arnett,	U. G. Harlow,	Thos. S. Pettit,
John Bartman,	R. K. Hart,	Granville Philpot,
John T. Bashaw,	W. J. Hissem,	I. M. Quigley,
R. F. Bass,	Berry Howard,	R. E. Roberts,
W. P. Beard,	J. S. Joplin,	Fenton Sims,
A. J. Carroll,	T. S. Kirk,	W. W. Stephenson,
A. H. Charlton,	Henry Kremer,	Samuel O. Tate,
R. F. Comer,	John M. Letterle,	Lewis E. Thomas,
Wesley Crow,	John S. May,	D. W. Tribble,
E. M. Dickson,	M. D. McInerney,	J. H. Welch,
J. E. Durham,	Harvey Myers,	H. P. Whitaker,
George Will. Follis,	J. P. O'Meara,	B. F. Willett,
Ben. F. Gardner,	John Lee Payne,	Geo. E. Willett,
J. P. Gay,	J. A. Perkins,	R. B. Wilson—43.
Geo. T. Halbert,		

The Journals of the proceedings of Saturday last and of yesterday were approved.

Mr. Ferguson introduced a resolution, entitled

H. Resolution 106. Resolution directing the Public Printer to print and deliver to the Superintendent of Public Instruction five hundred copies of the law providing for the management and administration of the A. & M. College.

Which was referred to the Committee on Agriculture and Mechanical College.

Mr. Peak offered the following resolution :

WHEREAS, The session of this General Assembly has been protracted for an unusual length of time, brought about by various causes, the greatest of which is absenteeism ; and whereas, there are a number of bills yet unfinished which must be passed ; therefore, be it

Resolved by the House of Representatives, That all members of this House who are absent herefrom on and after Monday, the 29th day of May, 1893, except for sickness of themselves or some member of their immediate family, shall be fined \$5 for each day they are so absent. Said fines to be deducted from the per diem and covered into the Treasury, and the Clerk of the House, in making out certificates of per diem, shall indorse thereon the number of days of absence ; and all leaves of absence are hereby revoked, save for sickness as aforesaid.

Which lies over one day under the rules.

Mr. Bailey offered the following resolution :

WHEREAS, Hon. Hugh Karins, formerly a Representative in this House from Carroll county, departed this life on Tuesday, May 16, 1893 :

Resolved, That it is a fitting tribute to the excellent qualities of the deceased as a legislator, citizen and man, that this House express its regret on the occasion of the death of Hon. Hugh Karins, and tender its sympathy to the bereaved family of the deceased.

Resolved, That the Clerk of this House transmit a copy of these resolutions to the family of the deceased.

Which was unanimously agreed to.

Mr. Bailey, from the Committee on State Prisons and House of Reform, reported H. B. 546, entitled

A bill authorizing the Commissioners of the Sinking Fund to extend the State sewer leading from the Frankfort penitentiary, along Mero street, toward the Kentucky river, from its present

terminus to the river, and making an appropriation therefor, and declaring an emergency.

Which was read the first time at length, ordered to be printed, and read the second time on another day.

The House took from the orders of the day a bill and resolutions as follows, viz:

S. B. 236. An act to regulate and control turnpike, gravel and plank roads.

H. Resolution 102. Resolution directing the Attorney-General to institute proceedings against the Kentucky Leaf Tobacco Exchange.

H. Resolution 105. Resolution directing the Public Printer to print one thousand copies of the charter for cities and towns of the sixth class.

Said bill and resolutions were severally read a second time by their titles,

The constitutional provision as to the reading of said bill and resolutions the second time at length being dispensed with.

The House took from the orders of the day H. B. 533, entitled

A bill to authorize Hardin county to dispose of the surplus money now on hand arising from its subscription to the stock of the Louisville and Nashville Railroad Company, and declaring an emergency.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows:

WHEREAS, Hardin county has a surplus of about ninety-six thousand dollars in cash, and stock in the Louisville and Nashville Railroad Company to about the same amount, which is left to said county after paying the bonds issued to the railroad company; and whereas, Hardin county desires to invest said surplus, and no general law applies to the case, nor can now be enacted applicable thereto, nor has any court jurisdiction to grant the relief sought:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the court of claims or fiscal court of Hardin county is hereby authorized and empowered to appropriate any of said surplus of money now on hands, and the proceeds of the railroad stock now held by said county, for the purpose of grading, graveling or putting on rock on the county roads in said county.

§ 2. That the county court be authorized to sell the railroad stock at such time as it may see proper; but it must be sold

when the money now on hands has been used as hereinafter directed.

§ 3. The money on hands and the proceeds of the railroad stock shall be divided pro rata among the magisterial districts as they existed in 1891, according to the assessed value of the property in each district.

§ 4. That the said county court or fiscal court shall appoint, at the January term, 1894, three discreet property-holders in each of said magisterial districts, who shall have the right to use the money allotted to their respective districts for the purpose of grading, graveling or putting on rock on their county roads, as they may think best for their respective districts. They may use one-fourth of the funds each year for said purpose; and by a unanimous vote of said three commissioners they may use more than one-fourth any year until the whole fund is used. Said commissioners shall take an oath that they will honestly and faithfully, and to the best of their skill and judgment, appropriate said money on the roads in their respective districts as herein provided. Said commissioners shall be allowed pay for the time actually consumed by them in attending to said work, to be allowed by the county or fiscal court, and to be paid out of the fund to be allotted to their respective districts.

§ 5. The district commissioners shall give orders on the Commissioners of the Sinking Fund to pay for the work they contract to be done, when same is accepted by them, and said orders shall be paid by the Sinking Fund Commissioners out of the fund set apart to the respective districts, and when paid, shall be credited to the Commissioners of the Sinking Fund on the annual settlement of their accounts with the fiscal court.

§ 6. At the next general election held in said county in November, 1893, a poll shall be opened at each voting place in said county for the purpose of taking the sense of the people of the county upon the disposition of said surplus, as provided in this act. The county clerk shall print on the ballots furnished to the election officers in each precinct in said county for said election, the following question: "Are you in favor of using the county surplus on the public roads?" and opposite said question the words Yes and No shall be printed, so arranged that the voter can indicate by his X whether he votes Yes or No. The votes on this question shall be counted and certified like other votes at said election, and if it be found that a majority of those voting have voted Yes, then the first five sections of this act shall be in full force, otherwise they shall be null and void.

§ 7. In order that the people of the county may have proper time to discuss this matter, and that the ballots may be gotten up and distributed in time, and said money be made available as soon as possible, an emergency is hereby declared to exist, and this act shall take effect on its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Eli Nicholls,
Lewis Alexander, Sr.,	J. C. Glenn,	J. P. O'Meara,
W. W. Ayres,	S. M. Gough,	W. F. Peak,
W. S. Bailey,	Thos. H. Hanks,	Thos. S. Pettit,
Posey D. Ball,	A. L. Harned,	J. F. Porter,
B. F. Bennett,	H. K. Hay,	E. M. Pryse,
B. T. Birkhead,	P. R. Hays,	A. T. Pullen,
John Botts,	B. B. Hensley,	i. M. Quigley,
P. S. Bruner,	F. W. Hutcheson,	C. D. Reed,
Polk Cansler,	Daniel James,	John Ryan,
A. J. Carroll,	W. W. Johnson,	D. H. Severs,
B. E. Caudill,	R. M. Kincheloe,	Waller Sharp,
L. J. Cox,	Henry Kremer,	S. H. Shouse,
W. J. Cox,	William Krieger,	C. C. Spalding,
J. S. Cullen,	Lewis Y. Leavell,	W. R. Stewart,
D. B. Edmiston,	H. P. Lively,	J. R. Summers,
McD. Ferguson,	C. W. Mathers,	J. R. Thomas,
John Finn,	W. H. May,	John M. Tinsley,
J. M. Frazee,	Hiram McElroy,	N. S. Walton,
Wm. Garrison,	W. F. Neat,	John D. Woods—61.
Ben. F. Gardner,		

In the negative—none.

Resolved, That the title thereof be as aforesaid.

A message was received through Edward O. Leigh, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the House, of the following titles, viz :

H. B. 445. An act for the incorporation and regulation of town and county co-operative or assessment fire insurance companies.

H. B. 510. An act to amend an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity ; to create a sinking fund for that purpose ; to provide for commissioners of the sinking fund and collectors of taxes levied, and to prescribe the duties and powers of said officers.' "

H. Resolution 98. Resolution directing the Public Printer to deliver to the Secretary of State bound volumes of the Journals of the two Houses of this General Assembly.

H. B. 512. An act authorizing cities of the second class in the Commonwealth of Kentucky to issue refunding bonds.

A message was received from the Senate, announcing that they had concurred in an amendment adopted by the House to a bill, which originated in the Senate, entitled

S. B. 208. An act relating to executions.

That they had adopted resolutions, viz :

S. Resolution 61. Resolution directing the Committee on General Statutes of the two Houses to examine and report as to laws and acts passed at present session.

Which was referred to the Committee on General Statutes.

S. Resolution 63. Resolution providing for a *sine die* adjournment of the General Assembly.

Which was referred to the Committee on Rules.

That they had concurred in sundry amendments, had concurred in sundry other amendments with amendments, and had refused to concur in sundry other amendments proposed by the House to bills, which originated in the Senate, entitled

S. B. 42. An act to provide an efficient system of common schools throughout the State.

S. B. 230. An act for the government of cities of the fourth class.

That they had adopted the report of the Committee of Conference relative to

S. B. 103. An act relating to fees,

And had passed said bill as amended.

The House took from the orders of the day H. Resolution 91, entitled

Resolution to validate certain orders of the Menefee Circuit Court.

The House refused to order said resolution to its third reading. And so said resolution was rejected.

The House took from the orders of the day the motion heretofore entered by Mr. Bashaw to reconsider the vote by which the House refused to order to its second reading

H. B. 524. A bill to amend sections 1 and 5 of an act, entitled "An act concerning the State Inspector and Examiner," approved January 13, 1893.

Said motion was disagreed to.

The House took from the orders of the day H. B. 508, entitled
A bill creating a chronic asylum for female insane out of the
School for the Training and Education of Feeble-minded Children.

Mr. Pettit offered a substitute for said bill.

Pending the consideration of said bill, Mr. Harned moved that when the House adjourn, it be to meet at 3 o'clock this afternoon for the purpose of considering S. B. 42, S. B. 230, and S. B. 103, as mentioned above.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Harned and Nichols, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Eli Nicholls,
Lewis Alexander, Sr.,	J. C. Glenn,	W. F. Peak,
W. W. Ayres,	S. M. Gough,	Thos. S. Pettit,
W. S. Bailey,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	A. L. Harned,	E. M. Pryse,
B. T. Birkhead,	H. K. Hay,	A. T. Pullen,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	John Ryan,
Polk Cansler,	F. W. Hutcheson,	Waller Sharp,
F. P. Combest,	Daniel James,	S. H. Shouse,
L. J. Cox,	W. W. Johnson,	C. C. Spalding,
J. S. Cullen,	Lewis Y. Leavell,	J. R. Summers,
James R. Dean,	H. P. Lively,	J. R. Thomas,
D. B. Edmiston,	C. W. Mathers,	John M. Tinsley,
J. M. Frazee,	Hiram McElroy,	N. S. Walton,
Ben. F. Gardner,	W. F. Neat,	John D. Woods—47.

Those who voted in the negative, were—

W. J. Cox,	John Finn,	R. E. Roberts—4.
J. M. Dawson, Jr.,		

And then the House adjourned.

AFTERNOON SESSION.

The House met at 3 o'clock pursuant to adjournment.

Mr. Speaker Moore in the chair.

The House took from the Clerk's desk

S. B. 230. An act for the government of cities of the fourth class.

The House amendments to said bill are as follows :

Resolved, That S. B. 230 do pass amended as follows, viz :

1. Amend section 3 by inserting between the word "ordinance" and the word "and," in line 12, the following words :
"Enacted not less than sixty days previous to the November election in the year in which the election or appointment is to be made."

2. Strike out in lines 3 and 4 of section 3 the following :
"Bona fide freeholders or tax-payers upon personal property situated."

3. Amend section 4 by inserting between the word "stand," in line 4, and the beginning of line 5, the following words :
"*Provided*, The city is divided into wards, otherwise they shall be elected by a majority of the votes cast by the qualified voters of the city, of which they must be residents."

4. Also by adding at the end of section 4 the following words :
"The board of council or board of trustees, as the case may be, of any city not divided into wards, may, not less than sixty days before any November election held for the election of councilmen, divide the city into not exceeding six wards, which shall remain as constituted, unless changed or abolished by a future board of council."

5. Amend section 6 by inserting between the word "ordinance" and the word "who," in line 2, the following words :
"Enacted not less than sixty days previous to any November election."

6. Amend section 9, subsection 26, by striking out all thereof after the word "collected," in line 151, and inserting in lieu thereof the following : "And in payment of the bonded and floating debt of any such city, existing at the time of the passage of this act, authorized by law, the board of council may issue renewal bonds or funding bonds, bearing not exceeding six per cent. per annum interest: *Provided*, That the issual of said renewal and funding bonds shall not exceed the principal of said bonded and floating debt; and said renewal and funding bonds shall not be sold for less than par and accrued interest. All bonds issued by any city shall be signed by the mayor or

chief executive, and countersigned by the clerk of the city, with the seal of the city affixed thereto."

7. Amend section 9, subsection 27, by striking out the word "or," in line 158, and also in line 160, and inserting in lieu thereof in said lines the word "nor."

8. Amend section 9, subsection 32, by adding thereto the following: "Said board of council may change the boundary line of any ward or wards of any city now divided into wards, or hereafter divided into wards under the provisions of this act, not less than sixty days previous to any November election."

9. Amend section 22 by inserting after the word "ordinance," in line 3, the following: "Enacted not less than sixty days previous to any November election."

10. Amend section 34 by striking out the words "of not exceeding five hundred dollars per annum, to terminate when he ceases to hold his office," in lines 6, 7 and 8, and insert in lieu thereof the following: "Which salary must be fixed by ordinance enacted previous to his election or appointment;" also by inserting between the words "salary" and the word "instead," in line 17, the following: "As may be fixed by ordinance previous to the appointment or election of such chief of police."

11. Amend section 27 by inserting after the word "court" and before the word "the," in line 5, the following: "But the board of council may provide by ordinance, at least sixty days previous to any election, that the city attorney be elected by the qualified voters of the city at the same time and for the same term that the police judge is elected."

12. Amend section 27 by striking out the words "allow him a reasonable," in line 6, and inserting in lieu thereof the following: "Fix by ordinance previous to his election or appointment the."

13. Amend section 28 by inserting after the word "ordinance" and the word "and," in line 5, the following: "Enacted at least sixty days previous to any election in November."

14. Amend section 29 by striking out the following words in lines 2, 3 and 4: "And shall be a licensed practicing lawyer, or shall have heretofore acted as police judge for two years next preceding his election."

15. Amend section 33 by striking out all thereof after the word "council," in line 4, and inserting in lieu thereof the following: "Shall fix by ordinance the compensation for his services previous to his election or appointment."

16. Amend section 49, line 2, by striking out the figures "24," and insert in lieu thereof "21."

17. Amend section 49 by adding thereto the following: "Sixty days previous to any election in November."

18. Amend section 51 by inserting after the word "year," in line 2, the following: "Except the year 1893."

19. Amend by inserting between sections 48 and 49 the following section as No. 48½: "The board of council of any city may provide by ordinance, not less than sixty days previous to the election in November, that the mayor may exercise and perform all the powers and duties belonging to, and incumbent upon, the police judge as herein prescribed, thereby abolishing the office of police judge and merging it into that of the mayor, in which case the court held by said mayor shall be called the 'Mayor's Court,' and he shall be judge of the Mayor's Court."

20. Amend section 53 by inserting after the word "year," in line 2, the following: "Except in the year 1893."

21. Amend section 54 by inserting after the word "year," in line 2, the following: "Except in the year 1893."

22. Amend section 62 by adding after the word "collection," in line 7, the words "and are due."

23. Amend section 63 by striking out line 11 and inserting in lieu thereof the following: "Council shall fix by ordinance, previous to his appointment, the compensation for his services."

24. Amend section 64 by striking out lines 5 and 6, and inserting in lieu thereof the following: "Board of council shall fix by ordinance, previous to his appointment, the compensation for his services."

25. Amend by inserting between section 67 and section 68 the following section as No. 67½: "In and for the year 1893 all taxes for municipal purposes in cities of this class shall be assessed, levied and collected in accordance with the terms, provisions and stipulations of the present charters of the respective cities; but all property not exempted by the Constitution subject to municipal taxation, as herein stipulated, shall be assessed, and shall pay city taxes for the year 1893."

26. Amend section 60 by inserting after the word "year," in line 6, the following: "Except in the year 1893."

27. Amend section 61 by striking out the word "assessor," in line 2, and inserting in lieu thereof the word "clerk," and strike out the word "treasurer" and insert the word "collector" in line 5.

28. Amend section 62 by striking out the word "treasurer," in lines 1, 9 and 13, and inserting in lieu thereof the word "collector."

29. Also by inserting after the word "receipts," in line 1, the following: "Except as herein provided."

30. Amend section 67 by adding thereto the following: "Banks, trust companies and building and loan associations shall pay their taxes direct to the treasurer, and tax receipts for same shall be turned over to the treasurer by the city clerk ;

but if unpaid on the first day of March, said treasurer shall return same indorsed by him "delinquent" to the city clerk, for which he shall be properly credited, and the said taxes shall then be collected as other delinquent taxes."

31. Amend section 68 by inserting after the word "ordinance," in line 5, the words "sixty days previous to any November election."

32. Strike out all of section 68 down to the word "time," in line 6, and insert the following in lieu thereof: "§ 68. It shall be the duty of the board of council, at the first regular meeting after their election and qualification, or as soon thereafter as practicable, and every two years thereafter, to elect a competent person to be treasurer of such city for a term of two years, or until his successor is elected and qualified, and who shall hold the office subject to removal for good cause at any time, but said treasurer may be elected by the voters of said city, when prescribed by ordinance."

33. Amend section 72 by inserting after the word "election," in line 4, the following: "*Provided*, The said city is divided into wards."

34. Also by inserting after the word "ward," in line 10, the following: "*Provided*, The city is divided into wards."

35. Amend section 72 by striking out of line 9 the words "be less than," and insert in lieu thereof the word "exceed."

36. Amend section 74 by striking out the words "board of council," in lines two and three, and inserting in lieu thereof the words "county clerk."

37. Amend by inserting between sections 88 and 89 the following section, to be numbered 88½: "The terms of the officers whose election is herein provided for shall begin on the first day of January succeeding their election."

38. Amend section 89 by inserting after the word "large," in line 6, the following: "*Provided* said city is divided into wards; but the council may by ordinance provide, not less than 60 days previous to any November election, that the said school trustees shall be elected by a majority of the qualified voters of the city at large voting at any regular election, and also the number of trustees to be elected, not exceeding six, and that they may be elected from the city at large instead of from wards. If the city is not divided into wards, the said school trustees shall be elected by the qualified voters of the city by a majority of those voting at an election, and the board of council shall, not less than sixty days previous to any election, prescribe by ordinance the number of trustees to be elected, not exceeding six."

39. Amend section 89 by adding the following thereto: "*Provided* the board of council may by ordinance surrender the

control of the city schools to the trustees of the State graded school, as provided for by the common school law."

40. Strike out the word "whereas," in clause which follows section 114, and number said clause "section 115;" insert in lieu of said word "whereas" the following: "In view of the fact that," and strike out in line 5 the words "be it," and strike out in line 6 the words "resolved that," and in line 8 insert after the word "its" the words "passage and."

The Senate amendments to House amendments are as follows:

Resolved, That House amendment No. 32 to S. B. 230 be concurred in, amended as follows, viz:

Amend said amendment by inserting the words "and including" before the word "the," in the second line of said amendment.

That House amendment No. 37 be concurred in, amended as follows, viz: "Strike from the third line thereof the words 'day of,' and insert in lieu thereof the words 'Monday in.'"

The House receded from amendments Nos. 19, 30, 31, 36, 38 and 39, and concurred in amendments proposed by the Senate to amendments Nos. 32 and 37.

Said bill, as amended, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. P. Gay,	Eli Nicholls,
Lewis Alexander, Sr.,	J. C. Glenn,	J. P. O'Meara,
W. W. Ayres,	S. M. Gough,	W. F. Peak,
W. S. Bailey,	Thos. H. Hanks,	Thos. S. Pettit,
Posey D. Ball,	A. L. Harned,	J. F. Porter,
W. P. Beard,	H. K. Hay,	E. M. Pryse,
John Botts,	P. R. Hays,	A. T. Pullen,
P. S. Bruner,	B. B. Hensley,	C. D. Reed,
B. E. Caudill,	F. W. Hutcheson,	R. E. Roberts,
F. P. Combest,	Daniel James,	John Ryan,
L. J. Cox,	W. W. Johnson,	D. H. Severs,
W. J. Cox,	R. M. Kincheloe,	S. H. Shouse,
J. S. Cullen,	William Krieger,	C. C. Spalding,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	W. R. Stewart,
James R. Dean,	C. W. Mathers,	J. R. Thomas,
D. B. Edmiston,	W. H. May,	John M. Tinsley,
John Finn,	Hiram McElroy,	N. S. Walton,
J. M. Frazee,	W. F. Neat,	John D. Woods—55.
Ben. F. Gardner,		

Those who voted in the negative, were—

B. F. Bennett, Polk Cansler, McD. Ferguson—3.

The House took from the Clerk's desk

S. B. 42. An act to provide for an efficient system of common schools throughout the State.

The House amendments to said bill are as follows, viz:

Resolved, That S. B. No. 42 do pass, amended as follows, viz:

1. Amend section 2, line 6, by inserting between the words "five" and "months" the words "or more."

2. Amend section 2, line 13, by striking out "1893" and inserting "1894."

3. Amend section 4, line 7, by striking out the word "shall" and inserting "may."

4. Amend section 4, line 3, by inserting after the word "State" and before the word "teachers," these words, "but no teacher shall teach on Saturday."

5. Amend section 9 by inserting after the word "except," in line 3, these words: "To pay the expenses of the State Department of Education of whatever character or kind, and."

6. Amend section 14, line 6, by striking out the word "one-fifth," and inserting the word "two-fifths;" also by striking out of line 7 the word "two-fifths," and inserting the word "one-fifth."

7. Amend section 17, line 2, by striking out the word "two" and inserting the word "one;" strike out "members" and insert "member," in line 2.

8. Amend section 15 by striking out all after the last "the" in line 1, down to and including the words "public instruction," in line 4. Also strike out all after the word "education," in line 5, down to and including the word "Commonwealth," in line 10. Also amend section 15 by striking out all after the word "provided," in line 8, down to and including "Commonwealth," in line 10.

9. Amend section 18, so the same will read as follows: "§ 18. The board shall meet only on the written call of the chairman."

10. Amend section 21 by striking out the word "other," in line 5.

11. Amend section 23 by striking out all after the word "annum," in line 6, and inserting in lieu thereof these words: "The sums of money hereby appropriated by this section shall be paid out of the school fund."

12. Amend section 24 by striking out of lines 2 and 3 these words: "Neither of whom shall be members of the State Board

of Education." Strike out of line 9 the figures "144" and insert "148." Strike out of line 11 these words: "The professional members of."

Amend section 31 by striking out of line 1 the word "revise," and inserting in lieu thereof the words, "collect, arrange for publication, and index."

13. Strike out section 36.

14. Amend section 38, line 31, by inserting after the figure "3" these words: "Which shall be paid to the two examiners." Amend said section by striking out the figure "3" and inserting the figure "2." Amend said section by striking out of line 45 the words "or town;" and by striking out of lines 45 and 46 the words "second, third or fourth."

15. Substitute for section 40: "The county superintendent shall be elected by the qualified voters of each county at the November election in 1893; shall enter upon the discharge of the duties of his office on the second Monday in August, 1894, and continue in office until the first Monday in January, 1898, and until the election and qualification of his successor; and in 1897, and every four years thereafter, there shall be in each county an election of a county superintendent, who shall hold his office four years from the first Monday in January following his election, or until the election and qualification of his successor. The county superintendent shall be elected, and the vote canvassed and the result certified by the same officers, and in the same manner as in the election of other county officers; and within ten days after the election the clerk of the county court shall forward a copy of the certificate of election to the Superintendent of Public Instruction. All county superintendents in office at the time of the November election in 1893 shall continue in office until the second Monday in August, 1894, or until their successors are elected and qualified. In cases of controverted right to the office of county superintendent, the Superintendent of Public Instruction shall have power to recognize a superintendent from among the contestants until the case has been settled: *Provided*, That in counties containing a city of the first class maintaining a system of public schools, separate and distinct from the common schools of the county, the county superintendent shall reside in the portion of the county outside of such city, and be elected by the qualified voters of said county residing outside of such city."

16. Strike out section 42.

17. Amend section 43, line 28, by adding after the word "register" these words; "If the boundary of the district is not correctly given, he shall write it in said book himself."

18. Amend section 45 by striking out all after the word "schools," in line five, down to and including the word "children," in line 9, and inserting in lieu thereof these words;

"And shall report to the county judge the number and kind of books needed, when the county judge shall purchase the books, and pay for them by an allowance made by the fiscal court of the county, the county judge shall turn them over to the county superintendent for distribution, taking receipt for the number and value of the books; but the cost of said books shall not exceed in the aggregate \$100 in any county per annum."

19. Amend section 48 by striking out the word "misdemeanor," in line eight, and inserting in lieu thereof the word "felony." Strike out of line ten the words "county jail," and insert the words: "Penitentiary not less than one nor more than ten years, or both fined and imprisoned, in the discretion of the jury, and be removed from office."

20. Amend section 49, line 25, by striking out the word "ninety" and inserting the word "thirty."

21. Amend section 59 by striking out of line 5 the word "ten" and inserting the word "eight." Add after the word "superintendent," in line 7, the words "and from such other evidence as may be adduced."

22. Amend section 62 by striking out all of said section down to and including the word "county," in line five, and inserting in lieu thereof the following: "The county superintendent shall appoint two strictly moral and well educated persons, holding county certificates of the first class, State certificates, State diplomas, or diplomas from some literary institution of high learning, who, together with himself, shall constitute a board of examiners for the county."

Amend article 6 by striking out sections 63 and 64, and insert the following:

§ —. All publishers of text-books, other than those of immoral, sectarian or sectional character, on studies embraced in the common school course, as prescribed by law, shall have the privilege of contracting with the Superintendent of Public Instruction to put their books in the schools of the several counties of Kentucky.

§ —. It shall be the duty of the Superintendent of Public Instruction to notify the several publishers of school text-books in the United States that they have the right, on complying with the conditions of this act, to furnish their books for use in the common schools of Kentucky. They must first file with the Superintendent of Public Instruction a specimen copy of each book, and the lowest wholesale cash price thereof, and also the lowest wholesale cash price on a series of books, and also the lowest wholesale price they will furnish all the books used in the studies embraced in the common school course in one county or more; and said price shall not exceed seventy-five per cent. of the present wholesale published price list of said book or books; and the net wholesale price, with twenty per cent. added, shall be the Kentucky retail price of that book; and such

price shall be marked in plain words and figures on the back of each book ; and the Superintendent of Public Instruction shall contract with no publishing house or houses, or book company, nor consider their application, unless they declare in the contract, and be responsible for it on their bond, that they are furnishing their books to the several counties of Kentucky at no higher price than the lowest price charged for the same books, and furnished by them or their agents, to any other State or States.

§ —. It shall be the duty of the Superintendent of Public Instruction to notify, by circular letter, every county superintendent in the State, giving the price of each book and series of books of each publisher or book company which has filed with him application to sell books in Kentucky ; also the price at which such book or books will be furnished in exchange for those in use in the schools ; and he may send to each county superintendent one specimen copy of all school books offered for acceptance : *Provided*, The same shall have been furnished him for such purpose by any publisher or their agents, free from any cost to the county or State. The State Superintendent shall give such other information as he may have regarding the mechanical quality, the comparative literary merits, and the adaptability of the books so furnished. It shall be the duty of each county superintendent to give all practicable currency to said circular letter by reading it before educational meetings, or publishing it in a local newspaper for the information of teachers, trustees and patrons of the school.

§ —. The county board of examiners, the county judge and the county attorney, shall constitute the county school book board. The county superintendent shall be chairman, and can call a meeting at any time ; but the adoption of text-books must be done at a public meeting after due public notice has been given of such meeting of the board. The names of each member of the board, and the book or books each prefers, shall be set down in the county superintendent's record-book, and the book, or series of books that has the most preferences, shall be the text-books adopted for the common schools of the county ; a copy of this choice of text-books, as thus ascertained, and signed by the chairman and secretary of the board, shall be forwarded to the Superintendent of Public Instruction by the chairman, and the Superintendent of Public Instruction shall proceed immediately to close the contract with the publishers whose books have been adopted.

§ —. Each publisher or company whose books have been adopted shall, before the distribution of said books for use in the common schools, file with the Superintendent of Public Instruction a bond, with two resident freehold securities, in the penal sum of \$500 for supplying one county with books ; \$2,500 for more than one and less than ten counties ; \$5,000 for ten and less than twenty counties, and for twenty counties or more.

\$10,000. These shall be the bonds when one company or publishing house furnishes all of the text-books used in the common schools of the county or counties in teaching all the branches prescribed by the common school law; and a proportionally less bond shall be required of publishing houses furnishing one or more books on the subjects prescribed by the common school law to be taught. The publishers may, in lieu, deposit in the State Treasury the amount required in interest-bearing bonds, the interest accruing on the same to be paid over to the depositor. These obligations and bonds shall be held payable to the State of Kentucky, conditioned upon the faithful performance of the contract and agreement made in pursuance of this act. Upon a breach of any of the conditions of such bond the Superintendent of Public Instruction shall, in the name of the State, institute suit thereon to recover the same. All money so recovered, after the payment of the cost of proceedings, shall be paid into the common school fund, and be disbursed as a part thereof, as provided by law. The publishers shall also agree to give to the several counties using their text-books under this act the revisions, new editions or other improvements which may be made in any or all the text-books furnished under the provisions of this act, without any increase in the price of said text-books. The county school board shall not accept such revisions, if it is to involve additional expense to patrons, or the multiplying of classes. The publishers shall agree in said contract to send, by mail or express, prepaid, to all trustees, teachers, patrons and pupils of the common schools, copies of said text-books upon receipt of the Kentucky retail price thereof.

§ —. It shall be the duty of publishing houses so contracting to sell to the local dealers at the wholesale price upon receipt of the money. Any dealer or agent who shall charge any teacher or patron or pupil of a common school a sum greater than the Kentucky retail price, as marked on the back of the book, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars and not more than twenty dollars for each offense. Any teacher of a common school who shall displace from such school any text book which has been contracted for under the provisions of this act, and which has been adopted for use in the county wherein said school is taught, and shall use instead of such text-book any other text-book not so contracted for, or not so adopted, shall be guilty of a misdemeanor, and, upon conviction thereof, for each offense shall be fined not less than ten dollars and not more than twenty dollars. The said text-books furnished shall be equal in paper, typography, binding and composition, and in every other respect, to sample copies filed with the Superintendent of Public Instruction, and upon which the contract was made.

§ —. If any publisher or book company, whose books have been adopted, shall fail or refuse to enter into contract, the Su-

perintendent shall declare the adoption void, and shall so notify the county superintendent, and he shall call another meeting of the county school book board, and select other books. These adoptions of text-books and contracts of the Superintendent of Public Instruction shall be of binding force for a period of four years.

§ —. Any member of the county, city or town school book board who shall receive any money, or any other thing of value, for his vote of preference in the selection of text-books, shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit his office and his certificate to teach, and be fined not less than fifty dollars, nor more than five hundred dollars. Any person or publisher, or book company, who, through agents or otherwise, shall give, or attempt to give, any money, or other thing of value, to any member of the county school book board, calculated to influence his preference in the choice of text-books, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars. The punishment shall be either fine or imprisonment, or both.

§ —. It shall be the duty of a county superintendent knowing of any violation of this act by dealers, teachers, publishers, or their agents, to report the same to the county attorney, who shall prosecute such dealers, teachers, publishers, their agents, or any other person, in any court of competent jurisdiction in the county in which such violation may occur. All laws in conflict with this act are hereby repealed: *Provided*, That this act is not to affect, modify or repeal any local or special law which establishes any city or town in one district; but the same shall be governed in all respects by the local laws and authorities, and it shall in no wise affect the charter and amendments thereto of any city or town in this Commonwealth, so far as said charter and amendments relate to the public schools of said cities and towns; nor shall this act affect, modify or repeal any local or special laws now in force for the benefit of any school, high school, seminary, college or other institution of learning in this State.

§ —. That nothing contained in the bill shall interfere with the books now used by the public schools for the present year.

24. Amend section 65, line 5, by striking out the word "other." Amend said section, line 2, by striking out the word "sixteen," and inserting in lieu thereof the word "eighteen."

25. Strike out the entire of article 7.

26. Amend section 81 by striking out all after the word "emergency," in line 6, down to and including the word "no," in line 9.

27. Amend section 83 by adding thereto the following: "Provided a school-house has not been built in such district or dis-

tricts, and the reclaiming of such fractional district or districts would not necessitate the abandonment of such districts."

28. Amend section 87 by striking out of line 11 the word "May," and inserting in lieu thereof the word "June;" also strike out of line 25 the words "select from the persons tied," and insert the word "appoint."

29. Amend section 88, line 6, by inserting after the word "person," and before the word "who," the words "elected, or."

30. Amend section 92 by inserting after the word "apparatus," in line 6, a semicolon instead of a period, and the words, "but the said trustees shall not buy for such use property in which they are either directly or indirectly interested." Strike out of line 31 the word "convenient." Also strike out all after the word "school," in line 35.

31. Amend section 93 by striking out of line 9 these words: "At \$1 per day." Strike out of line 12 the figures "89," and insert the figures "94." Add after the word "section," in line 20, these words: "And provided further, that in districts in which school-houses have been built, where a three years' tax was levied and collected and proved insufficient, and where there is any part of the cost of construction of such school-house or purchasing site upon which to build, or for school furniture remaining unpaid, the trustees shall levy an additional tax sufficient to pay off all indebtedness." Add to said section these words: "And the trustees are authorized to have said houses and furniture insured against damage by fire or other casualty. The expenses incurred from such insurance to be paid out of the funds raised for general district purposes."

Amend section 94 by inserting after the word "bond," in line seven, the words, "to the trustees."

§ 94. Insert the following after the word "each," in line nineteen: "The sheriff shall collect the railroad tax levied for common school purposes, and shall pay the same over to the county superintendent, who shall pay the same over to the district treasurers of their respective districts."

§ 94. Add after the word "delinquent," in line 49, the following: "The treasurer shall pay out the money in his hands on the written order of the trustees."

§ 94. Line 51, strike out all after the word "law," and insert the following: "The treasurer shall, in his annual report to the trustees and to the county superintendent, make an itemized statement of the amount levied, the purpose of such levy, the itemized amount collected, the amount disbursed, and the amount still on hand."

32. Amend section 95 by striking out of line 4 the words "are entitled to vote for trustees," and inserting in lieu thereof the

words, "have a child or children attending the common school of the district."

33. Amend section 96 by striking out of line 6 the word "June," and inserting "July."

34. Amend section 98 by adding after the word "duty," in line ten, the following words: "They shall see that a sufficient supply of good water is furnished within easy access of the school-house for the benefit of the school during the term of school."

35. Amend section 96 by adding after the word "begin," in line six, these words: "No teacher shall be employed until after the election and qualification of the new board of trustees."

36. Amend section 98 by striking out all after the word "districts," in line 20.

37. Amend section 100 by striking out of lines two and three the words, "then residing in such district," and inserting in lieu thereof the words, "that reside in such district on the first day of April;" also by adding after the word "child," in line seven, the following words: "To be entered in a book furnished him by the State, and kept as part of the records of his office."

38. Section 108. Strike out said section, and insert the following in lieu thereof: "§ 108. In any common school district in the State, in which the clearly ascertained will of the people shall be in favor of a district tax in aid of the common school therein, the levying of such tax therein shall be lawful."

39. Amend section 109 by striking out of line 11 the word "ten," and inserting in lieu thereof the word "fifteen."

40. Amend section 109 by striking out the words "the chairman," and inserting in lieu thereof the words "a majority."

41. Amend section 110, by striking out of line 2 all after the word "school-year," down to the word "but," in line 4

42. Amend section 110, by striking out all after the word "thereof," in line 9.

43. Amend section 135 by adding after the word "school," in line 1, the words: "And all county seminaries." Also add to the section the following: "But when county seminary property shall be appropriated, all pupils of the county shall be permitted to attend said school at such a reduced tuition from what is ordinary as shall be equitable, and make good to them their interest in said seminary property. It is further provided, that when any graded school district shall embrace any school property owned or held in trust by trustees, said trustees, by a majority vote of their board, are hereby authorized and empowered to convey their school property to the trustees of the graded school at such price and on such conditions as may be agreed upon by the trustees of both parties."

44. Amend section 140 by placing a period after the word "Assembly," in line four, and striking out of same line the

word "but;" also strike out of line five the words "make its," and insert the word "establish."

45. Amend section 147 by inserting after the word "good," in line ten, these words: "In all schools throughout the State maintained wholly or partly by the State;" add to said section these words: "Which shall be paid to the common school fund."

46. Amend section 148 by adding after the word "first-class," in line 56, these words: "Which shall be good in any county of the State; but any county superintendent may, for cause, or upon re-examination, which shall cost the applicant nothing, revoke the certificate to teach, so far as it applies to his county, and the."

47. Amend section 148 by striking out of line 52 the words "State diplomas." Also insert after the word "State," in line 36, the words "graded or city schools, except graded high schools."

48. Amend section 151 by striking out all after the word "final," in line 14, down to and including the word "dollars," in line 20.

49. Amend section 152 by striking out of line 4 the words, "five days," and inserting in lieu thereof the words "three, nor more than five days, in the discretion of the superintendent."

50. Amend section 153 by striking out all after the word "thereof" in line 3.

51. Amend section 154 by striking out of line 1 the word "shall," and inserting in lieu thereof the word "may." Also amend said section 154 by striking out the word "it," in line 4, and striking out lines 5, 6, 7, 8, 9 and 10.

51. Section 122, line 16, strike out all after the word "the," and insert these words: "Next regular election, when his successor shall be elected to fill out the unexpired term."

53. Section 143, line 5, strike out "89," and insert "94."

54. Section 153, line 1, strike out "shall" and insert "may."

The Senate amendments to the House amendments are as follows:

Resolved, That House amendment No. 2 to S. B. 42 be concurred in, amended as follows, viz:

Strike out of lines 13 and 20, of section 2, the figures "1893," and insert in lieu thereof "1894."

That the latter part of House amendment No. 14, which relates to striking out of line 45 the words "or town," and the words "second, third or fourth," be concurred in, amended as follows, viz: Strike out all of section 38 after the word "court," in line 45.

Resolved, That House amendment No 23 be concurred in, with the following amendment as a substitute therefor, viz :

§ 63. The county board of examiners of each county shall meet after the expiration of the period for which text books have heretofore been adopted, and in counties where there have been no adoption of text-books within six months after this act takes effect, and shall adopt a list of text-books on the subjects taught in the common schools, and said text-books adopted by said board shall be uniformly used in the county for which they were adopted, and shall not be changed oftener than every five years. But said board shall not adopt any text-books of an immoral, sectional or sectarian character for use in the common schools, nor the text-books of any publisher or person selling such text-books unless said publisher or person has first filed in the office of the Superintendent of Public Instruction the bond as provided for in section 64. Any county board of examiners of a county in which, at the time a legal adoption of text-books has not been made, who shall fail or refuse within six months after the time when, by this section, they should have done so, to adopt a series of text-books on the subjects embraced in the common school course, shall each be subject to a fine of not less than one hundred nor more than two hundred dollars. It shall be the duty of the county superintendent to make and keep a record of the adoption of text-books, and to see that the adopted list of text-books is established and maintained in all the public schools in the county ; and it shall be the further duty of the county superintendent to file and keep in his office the copy of the bond of any publisher or person selling text-books executed before the *ex-officio* members of the State Board of Education and forwarded to him by the Superintendent of Public Instruction ; and when any of the books named in said bond shall be adopted for use in his county, and there is a breach of, or a failure to comply with, any of the provisions of the bond in his county by the parties executing the same, he shall bring suit in the circuit court of his county for a forfeiture of said bond, and any money recovered thereon, after paying the cost of proceedings, shall be covered into the school fund of the county. Any member of a county board of examiners who shall accept any money or other thing of value for his vote or influence in selecting text-books shall, upon conviction, be fined five hundred dollars and removed from office, and any person or company who shall give or offer to give such reward shall, upon conviction, be fined five hundred dollars.

§ 64. Whenever any publisher or person selling text-books, who desires to have his text-book adopted for use in the common schools in any county in this State, shall file in the office of the Superintendent of Public Instruction a sample copy of each of the text-books intended for adoption, together with the lowest retail list price at which the same shall be sold to the patrons and pupils of any county in which the same may be adopted,

and shall execute bond before the *ex officio* members of the State Board of Education in the sum of ten thousand dollars (\$10,000), with good security resident in the State. It shall be the duty of said *ex officio* members of said board of education to accept and file said bond in the office of the Superintendent of Public Instruction: *Provided, however*, That it shall be distinctly set forth in said bond that the text-books of said publisher or person selling the same shall be sold to the patrons and pupils of the common schools of any county in which the same may be adopted at a special retail list price, which shall not exceed the lowest wholesale or the lowest retail list price then or that may thereafter be fixed by said publisher or person selling the same for the sale of such text-books in any State or section of the country, and that said special retail list price shall not, at any time, exceed the price fixed and filed in the office of the Superintendent of Public Instruction which shall be set forth in said bond; and the said publisher or person selling such text-books shall further agree and contract to make such arrangement with local dealers or agents to sell such text-books in sufficient quantities to supply the patrons and pupils of the common schools of any county in which the same may be adopted at the special retail list price herein provided for: *And provided further*, That the said text-books shall be sent direct, with postage or expressage, as the case may be, prepaid, to any patron or pupil of the common schools of any county in which the same may be adopted for use, upon receipt in cash of the said special retail list-price of such text-books, and that such patrons and pupils shall have the option of the benefit of any revision or new edition of any of said text-books, and that said text-books shall be equal in paper, binding, typography, and in every other respect, to the sample copies on file in the office of the Superintendent of Public Instruction. Within ten days after the acceptance and filing in his office the bond herein provided for, the Superintendent of Public Instruction shall forward a certified copy thereof to each county superintendent in the State. Within six months after this act takes effect, all publishers or persons selling text-books, whose text-books have heretofore been adopted for use in the common schools of any county in the State, shall file a sample copy of each text-book so adopted, together with the lowest wholesale and the lowest retail list price fixed by said publisher or person for the sale of such text-book in any State or section of the country, and the lowest special retail list price at which the same shall be sold to the patrons and pupils of the common school of any county in this State in which the same are, or may hereafter, be adopted, and shall execute before the *ex officio* members of the State Board of Education the bond herein required, and shall, after said six months after this act takes effect, sell said text-books at said price to pupils and patrons, and in every other respect shall comply with the provis-

ions of this act. Upon a failure or refusal of any publisher or person to comply with the provisions of this act within the time herein specified, the text-books of such publisher or persons selling the same shall be removed from the common schools of any and every county by the county board thereof in which the same shall have been adopted and in such case new text-books shall be adopted, as herein provided from the list of text-books of publisher or persons selling them who have filed with the Superintendent of Public Instruction the bond herein required.

Resolved, That that part of House amendment No. 28 to said bill which strikes out of line 11, section 87, the word "May," and inserts the word "June," be amended so as to read as follows: "By striking out of line 11, section 87, the words 'may each year,' and insert in lieu thereof the following: 'May each year, except for the year 1893, at which time said election shall be held on the first Saturday in June.'"

That that part of House amendment No. 31, which strikes out of section 93, line 9, the words, "at one dollar per day," and that which changes the figures "89" to "94;" and that part which is added after the word "section," in line 20, of said section, relating to the collection of additional taxes in certain districts, be concurred in, with the word "heretofore" inserted between the words "have" and "been," in 7th line of amendment.

That the word "seminaries," in House amendment No. 43, be changed to "seminary," and the entire amendment be concurred in, with the following added thereto as an amendment, viz:

Amend section 135 by adding to the House amendment the following, to wit: "It is provided that on the petition of one or more heads of families having a child of pupil age, any part of any of said graded school districts may be cut off or any part of an adjacent common school district may be added to said graded school district, provided the county superintendent and the trustees of both said districts shall consent to said transfer, and that the petitioners constitute a majority of the families residing in the territory sought to be transferred; but said change of boundary shall be duly entered on the records of said district and the county superintendent, and also the order-book of the county judge."

That that part of House amendment No. 12, which strikes out of line nine, section 24, the figures "144," and inserting the figures "148;" and that, also, that part of said amendment which strikes out of section 31, line 1, the word "revise," and inserts in lieu thereof the words "collect, arrange for publication, and index," be adopted, and that all of the remainder of said amendment be rejected.

That House amendment No. 13 be adopted.

That that part of House amendment No. 14, which relates to striking out of section 38, line 31, the figure "3" and inserting the figure "2," and these words, "which shall be paid to the two examiners," be rejected; and that the latter part of said amendment, which relates to striking out of line 45 the words "or town" and the words "second, third or fourth," be amended as follows: "Strike out all of section 38 after the word 'court,' in line 45."

That the first part of House amendment No. 24, which strikes out of section 65 the word "other," in line 5, be adopted, and that the last part of said amendment, which strikes out of line two the word "sixteen," be rejected.

That the first part of House amendment No. 28, which strikes out of line 11, section 87, the word "May," and inserts the word "June," be amended so as to read as follows: "Strike out of line 11, section 87, the words 'May each year,' and insert in lieu thereof the following: 'May each year, except for the year 1893, at which time said election shall be held on the first Saturday in June;'" and that the other part of said amendment, viz: striking out of line 25 the words "select from the persons tied" and inserting the word "appoint," be concurred in.

That the first two parts of amendment No. 30, which provides for inserting a semicolon instead of a period, and the words "but the said trustees shall not buy for such use property in which they are either directly or indirectly interested," after the word "apparatus," in line six, section 92, be concurred in; but that the part which strikes out the word "convenient," in line 31, and that part which strikes out all after the word "school," in line 35, be rejected

That that part of House amendment No. 31, which strikes out of section 93, line 9, the words "at one dollar per day," and that which changes the figures "89" to "94," and that part which is added after the word "section," in line 20 of said section relating to the collection of additional taxes in certain districts, be adopted, with the word "heretofore" inserted between the words "have" and "been," in seventh line of amendment, and that all of said amendment which relates to section 94 be adopted; but that part of said amendment which relates to insuring school-houses, which is added to section 93, be rejected.

That the word "seminaries," in House amendment No. 43, be changed to "seminary," and the entire amendment be adopted, with the following added thereto as an amendment:

That part of House amendment No. 45 inserted after the word "good," certain words in line 10, section 147, be adopted; but that the remainder of said amendment be rejected.

The House agreed to the amendments proposed by the Senate to House amendments Nos. 2, 25 and 31, and disagreed to all the other amendments proposed by the Senate.

The House also refused to recede from its amendments Nos. 3, 4, 6, 7, 8, 9, 11, 15, 17, 18, 19, 21, 25, 26, 32, 33, 35, 36, 37, 39, 41, 42, 46, 47, 49 and 48, in which the Senate refused to concur.

Mr. Pettit moved that the Speaker appoint a committee of three members, who are directed to ask for and act with a like committee on the part of the Senate, to take into consideration the matters of disagreement between the two Houses relative to said bill.

Said motion was agreed to.

Thereupon the Speaker named Messrs. Hay, Tinsley and Walton as said committee on the part of the House.

The House took from the Clerk's desk

S. B. 103. An act relating to fees,

Together with the report of the Committee of Conference relative thereto.

Said report is as follows, viz :

To the House of Representatives :

Your committee appointed to take into consideration the differences between the two Houses on Senate Bill No. 103, make the following report, to wit : That the House of Representatives recede from its amendments Nos. 1, 2, 3, 5, 7, 10 and 14 ; and that the House also concur in Senate amendments to House amendments Nos. 6, 13 and 18, and that the Senate concur in House amendments Nos. 4, 12, 15 and 16, and that the accompanying emergency clause be adopted :

WHEREAS, There are many good and wholesome changes made by this act in regard to the fees of public officers of this Commonwealth, and the giving immediate effect thereto will be of great benefit to the Commonwealth; therefore, an emergency is hereby declared to exist, and this act shall take effect upon the approval thereof by the Governor.

J. W. McCAIN,
D. L. MAY,
JOHN McCANN,
THOS. H. HANKS,
JOHN BOTTS,
D. H. SEVERS.

Said report was adopted.

The yeas and nays being required thereon by Messrs. Ferguson and Garrison, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Ben. F. Gardner,	J. P. O'Meara,
W. S. Bailey,	J. P. Gay,	W. F. Peak,
Posey D. Ball,	S. M. Gough,	Thos. S. Pettit,
B. F. Bennett,	Thos. H. Hanks,	Granville Philpot,
B. T. Birkhead,	A. L. Harned,	J. F. Porter,
John Botts,	H. K. Hay,	E. M. Pryse,
P. S. Bruner,	P. R. Hays,	I. M. Quigley,
Polk Cansler,	B. B. Hensley,	John Ryan,
B. E. Caudill,	F. W. Hutcheson,	D. H. Severs,
L. J. Cox,	Daniel James,	S. H. Shouse,
W. J. Cox,	W. W. Johnson,	C. C. Spalding,
James R. Dean,	Lewis Y. Leavell,	John M. Tinsley,
D. B. Edmiston,	Hiram McElroy,	N. S. Walton,
John Finn,	W. F. Neat,	John D. Woods—45.

Those who voted in the negative, were—

W. W. Ayres,	H. P. Lively,	W. R. Stewart,
J. S. Cullen,	A. T. Pullen,	J. R. Summers,
J. M. Dawson, Jr.,	C. D. Reed,	J. R. Thomas—10.
McD. Ferguson,		

Said bill, as amended, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	W. F. Peak,
Lewis Alexander, Sr.,	J. M. Frazee,	Thos. S. Pettit,
W. W. Ayres,	Ben. F. Gardner,	Granville Philpot,
W. S. Bailey,	J. P. Gay,	J. F. Porter,
Posey D. Ball,	J. C. Glenn,	E. M. Pryse,
W. P. Beard,	S. M. Gough,	A. T. Pullen,
B. F. Bennett,	Thos. H. Hanks,	I. M. Quigley,
B. T. Birkhead,	A. L. Harned,	C. D. Reed,
John Botts,	H. K. Hay,	John Ryan,
P. S. Bruner,	P. R. Hays,	D. H. Severs,
Polk Cansler,	B. B. Hensley,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	C. C. Spalding,
F. P. Combest,	Daniel James,	W. R. Stewart,
L. J. Cox,	W. W. Johnson,	J. R. Summers,

W. J. Cox,
J. S. Cullen,
James R. Dean,
D. B. Edmiston,
McD. Ferguson,

Lewis Y. Leavell,
Hiram McElroy,
W. F. Neat,
Eli Nicholls,
J. P. O'Meara,

J. R. Thomas,
John M. Tinsley,
N. S. Walton,
John D. Woods—56.

In the negative—none.

And then the House adjourned.

WEDNESDAY, MAY 24, 1893.

The House was opened with prayer by Rev. W. C. Taylor,
of the Baptist Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to
their names, viz :

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Neat,
Lewis Alexander, Sr.,	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	J. P. O'Meara,
W. S. Bailey,	S. M. Gough,	W. F. Peak,
Posey D. Ball,	Thos. H. Hanks,	Thos. S. Pettit,
John T. Bashaw,	A. L. Harned,	J. F. Porter,
W. P. Beard,	H. K. Hay,	E. M. Pryse,
B. F. Bennett,	P. R. Hays,	A. T. Pullen,
John Botts,	B. B. Hensley,	C. D. Reed,
P. S. Bruner,	F. W. Hutcheson,	John Ryan,
Polk Cansler,	Daniel James,	D. H. Severs,
B. E. Caudill,	W. W. Johnson,	S. H. Shouse,
F. P. Combest,	R. M. Kincheloe,	C. C. Spalding,
Will J. Cox,	William Krieger,	W. R. Stewart,
J. S. Cullen,	Lewis Y. Leavell,	J. R. Summers,
J. M. Dawson, Jr.,	H. P. Lively,	J. R. Thomas,
James R. Dean,	C. W. Mathers,	John M. Tinsley,
E. M. Dickson,	W. H. May,	N. S. Walton,
D. B. Edmiston,	Hiram McElroy,	John D. Woods—58.
McD. Ferguson,		

The following members were absent, viz : —

T. J. Arnett,
John Bartman,

Geo. T. Halbert,
U. G. Harlow,

Granville Philpot,
I. M. Quigley,

R. F. Bass,	R. K. Hart,	R. E. Roberts,
B. T. Birkhead,	W. J. Hissem,	Waller Sharp,
A. J. Carroll,	Berry Howard,	Fenton Sims,
A. H. Charlton,	J. S. Joplin,	W. W. Stephenson,
R. F. Comer,	T. S. Kirk,	Samuel O. Tate,
L. J. Cox,	Henry Kremer,	Lewis E. Thomas,
Wesley Crow,	John M. Letterle,	D. W. Tribble,
J. E. Durham,	John S. May,	J. H. Welch,
John Finn,	M. D. McNerney,	H. P. Whitaker,
George Will. Follis,	Harvey Myers,	B. F. Willett,
Ben. F. Gardner,	John Lee Payne,	Geo. E. Willett,
J. P. Gay,	J. A. Perkins,	R. B. Wilson—42.

The Journal of yesterday's proceedings was approved.

Mr. Beard introduced a bill, entitled

H. B. 547. A bill to provide for lighting the Governor's Mansion with electricity instead of gas.

Which was referred to the Committee on Public Offices and Library.

The House took up for consideration the unfinished business from the morning session of yesterday, viz:

H. B. 508. A bill creating a chronic asylum for female insane out of the school for the training and education of the feeble-minded children.

The substitute offered on yesterday by Mr. Pettit is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That there is hereby created a body-corporate, under the name and style of the Frankfort Lunatic Asylum for Women.

§ 2. The commissioners of said asylum, to be appointed as hereafter directed, shall be, and they are hereby, constituted a body-corporate, with all the usual powers of a corporation necessary to carry out the objects of said asylum, with perpetual succession, with authority to purchase and hold, or to rent or hire, or to receive by gift or bequest, property, real or personal, for the objects of said institution, with capacity of contracting and of being contracted with, of suing and of being sued, of pleading and being impleaded, of using a common seal and altering the same at pleasure.

§ 3. The commissioners of said asylum shall be five in number, to be appointed by the Governor, with and by the advice and consent of the Senate, all of whom to reside in the county in which the institution is located, three of whom shall constitute a quorum; they shall hold their office for two years, and

may be reappointed; they shall retain their office, however, until their successors are appointed. In case of death or resignation of a member, the Governor shall have power to supply the vacancy to the end of his time.

§ 4. That all the funds and effects of said asylum shall be under the management and control of its board of commissioners and their successors in office, as trustees for the State, in aid and furtherance of the object of said institution, and so manage and apply the same as may be best calculated in their judgment to build up and sustain the interest of said asylum.

§ 5. That said board of commissioners and their successors in office shall keep a true and complete record of all their proceedings and acts as a board, and cause to be kept by their secretary and treasurer a true and complete record of all money received and disbursed, from whence derived and for what expended, all of which shall be open at any time subject to the inspection of any committee or commissioner appointed by the Legislature for the examination of the same; and it shall be the duty of the board of commissioners for the time being of said institution to present to the Governor annually, and he lay before the General Assembly within the first week of the session, a statement of the fund, receipts and expenditures of said asylum, and the number received and cared for during the year immediately preceding, and the counties from which they come.

§ 6. That the board of commissioners and their successors in office shall have power to appoint one of their number to act as president of the board, and shall appoint a secretary and treasurer, neither of whom shall be a member of said board, and all other inferior officers or employees not otherwise provided for in this act, as they may deem necessary for the efficient management of said asylum, and may remove any of them at pleasure and fill their places with others; and make such by-laws, rules and regulations as they may deem necessary for the government and interest of said institution, not inconsistent with the provisions of this act, nor in violation of the Constitution and laws of the State: *Provided*, That all such actions shall be subject to the control of the General Assembly of this Commonwealth.

§ 7. That it shall be unlawful for the board of commissioners, or their successors in office, to meet and transact business unless a majority of said board shall be present and concur in the proceedings, nor shall the proceedings be binding until they shall have been first signed by the president and countersigned by the secretary.

§ 8. That each commissioner, and every other officer appointed by the Governor under this act, and the secretary and treasurer of the board, shall, before entering upon the duties of his office, take an oath before some notary public, or other officer authorized to administer oaths, that he will faithfully discharge the duties of his trust.

§ 9. That the officers of said asylum, who shall be appointed

by the Governor, by and with the advice and consent of the Senate, shall be as follows, viz: A medical superintendent, one assistant lady physician, who shall live in or near said asylum; and that the superintendent shall receive for his services the sum of fifteen hundred dollars per annum, and the assistant lady physician the sum of eight hundred dollars per annum, said amounts to be paid out of the appropriation provided for in this act to meet the annual expenditures of said asylum.

§ 10. The board of commissioners shall appoint a steward, who shall live in or near said asylum, and who shall receive a salary of eight hundred dollars per annum, to be paid out of the appropriation provided for in this act to meet the annual expenditures of said asylum.

§ 11. That the treasurer, before he receives any money or other means belonging to said asylum, shall execute a bond to the Commonwealth in such sum and such sureties as may be required and approved by the board of commissioners, for the safe-keeping and disbursement of all moneys and other means placed in his hands by said board, its agents or other officers, or by the State. He shall not appropriate any money or other means belonging to said institution in his hands to his own use, or lend the same to any other person for any purposes whatever, or to pay out or disburse any of said funds for any claim, in whole or in part whatever, against said asylum, except upon the warrant of the president, countersigned by the secretary; and for any violation of this provision by the treasurer, he and his sureties are made liable on his official bond for the full amount of the sum or sums thus unlawfully used, loaned or disbursed, with ten per cent. damages, recoverable, on proper proof shown, before any court of competent jurisdiction in this Commonwealth.

§ 12. That the board of commissioners shall meet at least once in each month for the transaction of business, and oftener if the interest of the asylum shall require it; and it shall be unlawful for the president to issue his warrant for the payment of any claim against said asylum until the same shall have been submitted to the board of commissioners, and approved by them, and directed to be paid by an order entered upon the books of the secretary, signed by the president and countersigned by the secretary; and whenever the secretary shall issue his warrant on the treasurer for the payment of any claim thus ordered, he shall enter, on a book kept for the purpose, the number, date and amount of said warrant, and the name of the person to whom issued.

§ 13. It shall be the duty of the steward to purchase all needed and required supplies of every description, said supplies to be purchased by sealed proposals, and to the lowest and best bidder, and regard being had in all cases to the qualities as well as the price of articles purchased. Said supplies shall be paid for by the appropriation made by the State to meet the annual

expenditures of the institution ; and no bill for supplies purchased shall be ordered to be paid by the board unless the merchant shall make out a detailed statement of articles purchased by the steward or his order, of the name of each article, date of purchase and the price paid ; and the claim being approved by the steward, it shall be the duty of the steward, whenever the president of the board shall issue his warrant on the treasurer for the payment of any articles purchased by him, to enter, in a book kept for the purpose, the number, date and amount of said warrant, and the name of the person to whom the same was issued. He shall give due attention to the cultivation of the farm and garden, and shall be held responsible for the products of the same, and the proper care of the stock belonging to the asylum, and shall furnish, from time to time, such products of the farm or garden for the use of the asylum as may be required by the superintendent ; and he shall keep, in a book kept for the purpose, an account of all supplies thus furnished. He shall furnish a monthly statement to the board, in writing, of his official acts to date. No sale of any of the stock or products of the farm or garden shall be made by him without the consent of the board, and any funds received by him for any sale thus ordered shall be immediately paid over to the treasurer, taking his receipt for same, stating amount, when received, and the name of the articles sold.

§ 14. The secretary and treasurer shall make a separate quarterly statement to the board of the financial condition of the asylum, and furnish the Governor with copies of the same, signed by the president and countersigned by the secretary.

§ 15. The inmates of said asylum shall be harmless white female lunatics, and it shall be the duty of the medical superintendent to notify the superintendents of the various lunatic asylums of this Commonwealth of the capacity and number of inmates of said asylum under his charge, and to notify him of the quota of patients which he will receive from said asylum ; and it shall be the duty of the superintendent of this asylum to receive from each asylum its quota ; and any inmate may be removed at any time by order of the board. When said inmate is considered cured, or in such condition as not to need the care and attention of a physician, and the cost of removal shall be paid by the committee, guardian or curator, if able, otherwise, the Auditor of State, upon the certificate of the superintendent, shall pay the expense of transportation at the rate of four cents per mile, reckoning the distance by the usual route of travel to the home of said inmate ; but no traveling expense shall be paid except on the first reception and final discharge of the patient.

§ 16. There shall be, and is hereby, appropriated for the support, including board, food, &c., of each inmate, the sum of one hundred and thirty-five dollars per annum, payable quarterly, from the time of this act, for the general support of the

asylum and for salaries, contingent expenses, &c., and the further sum of \$2,500 to be used by the board of commissioners as provided in section 21 of this act. It shall be the duty of the superintendent to require of each committee, guardian or curator, of each inmate, to pay whatever sum per annum, in his judgment, after an inquiry, of the estate of the inmate is able to pay. Bond with approved security shall be required for the payment of said board, &c.; from the indigent nothing shall be required.

§ 17. The terms of all officers provided for in this act, other than the commissioners, shall be four years; but the Governor or commissioners shall have power to remove at pleasure the officers appointed by each of them.

§ 18. Harmless lunatics within meaning of this act, are those not dangerous or violent.

§ 19. That an act, entitled "An act to re-establish the Institution for the Education and Training of Feeble-minded Children," approved February 23, 1874, and all acts amendatory thereof, be, and the same are hereby, repealed.

§ 20. The commissioners of said institution are hereby continued in office until they perform the duties hereby enjoined upon them.

First. Said commissioners are hereby directed to return and remove all inmates of said institution over twenty-one years of age that have resided therein five years to the counties from which they were received; and as far as such are unable to pay, the Auditor of Public Accounts, upon the certificate of the superintendent, shall pay the expense of transportation at the rate of four cents per mile.

Second. Said commissioners are hereby directed to deliver up all property of every kind to the Commissioners of the Frankfort Lunatic Asylum for Women, and to make all deeds and execute all instruments of writing necessary to carry out the directions herein made.

§ 21. There shall be maintained in said asylum a department for the education and training of such feeble-minded children as may remain in the asylum, and for said purpose the board of commissioners of the asylum shall be entitled to receive upon each inmate so remaining and received, the same per capita allowed the inmates of the asylum, to be paid as provided in section 16 of this act, also such sums as they may deem necessary to pay teachers, books, &c., not to exceed the sum of twenty-five hundred dollars, heretofore appropriated in section 16. The board shall adopt such rules for the government of the department as they deem proper, and shall supervise all its interests, provide for all its wants, and require reports monthly from the superintendent and teachers of the progress made in the department. No child shall be received in this department of the asylum over fifteen years of age, nor shall any child remain over five years; neither shall any person be permitted to remain in

this department of the asylum who has attained the age of twenty-one years. The provisions of section 15, with reference to the transportation of inmates to and from the asylum shall apply to this department of the asylum.

§ 22. This act to take effect 90 days after the adjournment of this General Assembly.

Said substitute was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and Frazee, were as follows, viz :

Those who voted in the affirmative, were—

W. S. Bailey,	J. P. Gay,	J. P. O'Meara,
Posey D. Ball,	J. C. Glenn,	Thos. S. Pettit,
John Bartman,	A. L. Harned,	I. M. Quigley,
B. T. Birkhead,	H. K. Hay,	R. E. Roberts,
John Botts,	Daniel James,	John Ryan,
A. J. Carroll,	R. M. Kincheloe,	Waller Sharp,
L. J. Cox,	Henry Kremer,	C. C. Spalding,
W. J. Cox,	William Krieger,	J. R. Summers,
E. M. Dickson,	Lewis Y. Leavell,	D. W. Tribble,
J. M. Frazee,	W. H. May,	John D. Woods—32.
Ben. F. Gardner,	Hiram McElroy,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	D. B. Edmiston,	Eli Nicholls,
Lewis Alexander, Sr.,	McD. Ferguson,	W. F. Peak,
W. W. Ayres,	Wm. Garrison,	J. F. Porter,
John T. Bashaw,	S. M. Gough,	E. M. Pryse,
W. P. Beard,	Thos. H. Hanks,	A. T. Pullen,
B. F. Bennett,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	W. W. Johnson,	W. R. Stewart,
F. P. Combest,	H. P. Lively,	J. R. Thomas,
J. S. Cullen,	C. W. Mathers,	John M. Tinsley,
J. M. Dawson, Jr.,	W. F. Neat,	N. S. Walton—37.
James R. Dean,		

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

WHEREAS, The School for the Training and Education of the Feeble-minded Children has been in operation for over thirty years, at a cost of about a million of dollars in that time, and the people are fully acquainted with its usefulness, yet it has now not as many scholars in attendance as it had some years

ago, notwithstanding many of the names in their report are no longer pupils, "but kept as help about the institution," making the capitation of those actually "trained and educated" \$321 each, besides the rent of the farm each year. Yet very few at this cost goes out of this school "self-sustaining" after a stay here of from ten to twenty-eight years, but many become inmates of some other eleemosynary institution or charges on their friends, and we have reason to believe that not more than five in every one hundred persons who pass through this school attain the end intended by the State, namely: To make useful citizens, who may fill honorable positions; and what few have accomplished this end would in all probability have done so through our common schools at a much less rate. With one hundred and twenty-two pupils actually in this school, there are thirty-one persons paid wages, and thirty-seven inmates, in all sixty-eight persons, employed to take care of and teach the pupils, none of which are under six years of age or chronically infirm. Confronting us is a depleted State Treasury, and a crying need for room for five hundred more insane on the outside, with the corridors and bath-rooms used as sleeping rooms, and the acute and chronic classes indiscriminately mixed in our asylums:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That in ninety days after the adjournment of this Legislature, the Superintendent be, and is hereby, instructed to send each and every scholar back to the county judge of the county from which he or she comes, for the indigent portion of whom the county judge may make an allowance of seventy-five dollars per capita as under the law for pauper idiots. The materials finished and unfinished, with the tools, patterns, etc., etc., used in the several trades; also the pianos, school-books, furniture, etc., belonging to the institution, not of use to an asylum for chronic female insane, are to be sold, and the money not used under the provisions of this bill is to be paid into the State Treasury.

§ 2. That two hundred and sixty of the most harmless chronic female insane people are to be taken from the other asylums, and as many more as it will accommodate, or may hereafter be made to accommodate, and place them in this asylum; but if at any time it is found that any patient may be dangerous to be longer continued here, the superintendent shall send such patient to either of the other asylums having room. The Governor, with the advice of the Senate, shall appoint a board of nine discreet citizens as commissioners, and they shall appoint a superintendent and as many assistant physicians, other officers and attendants, as in their judgment may be necessary, taking into consideration the class of patients. This asylum shall be governed by all the laws regulating the insane asylums in this Commonwealth except such changes as are set forth in this act.

§ 3. The commissioners, should they think it best for these

insane people, may take all or a part of the proceeds derived from the sales mentioned above, and establish with it some trade or occupation they may think suitable for these insane people, and they may give to the foreman or forewoman all or a part of the wages now given to the foreman of the shoe-shops in this school. The superintendent shall draw every quarter, in advance, a capitation equal to \$135 per annum, after reporting quarterly, under oath, the number of patients then in this asylum to the Auditor; but under no circumstance shall the debts taken together for any quarter be allowed to exceed the money drawn from the State Treasury and the pay patients in the asylum, and the State will be under no moral or legal obligations to pay any debts so contracted. The Auditor shall estimate any unexpended balance in its treasury or money due the asylum as a part of its next quarterage, and shall draw his warrant only for a sum which, added to this balance, will make a sum equal to the quarterly allowance.

§ 4. This act shall take effect ninety days after the adjournment of this General Assembly.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	D. B. Edmiston,	Eli Nicholls,
Lewis Alexander, Sr.,	McD. Ferguson,	W. F. Peak,
W. W. Ayres,	S. M. Gough,	J. F. Porter,
John T. Bashaw,	Thos. H. Hanks,	E. M. Pryse,
W. P. Beard,	P. R. Hays,	A. T. Pullen,
B. F. Bennett,	B. B. Hensley,	C. D. Reed,
B. T. Birkhead,	F. W. Hutcheson,	D. H. Severs,
P. S. Bruner,	Daniel James,	S. H. Shouse,
Polk Cansler,	W. W. Johnson,	W. R. Stewart,
B. E. Caudill,	Lewis Y. Leavell,	J. R. Summers,
F. P. Combest,	H. P. Lively,	J. R. Thomas,
W. J. Cox,	C. W. Mathers,	John M. Tinsley,
J. S. Cullen,	W. H. May,	N. S. Walton,
J. M. Dawson, Jr.,	W. F. Neat,	John D. Woods—43.
James R. Dean,		

Those who voted in the negative, were—

W. S. Bailey,	Ben. F. Gardner,	Hiram McElroy
Posey D. Ball,	J. P. Gay,	J. P. O'Meara,
John Bartman,	J. C. Glenn,	Thos. S. Pettit,
John Botts,	A. L. Harned,	R. E. Roberts,
A. J. Carroll,	H. K. Hay,	John Ryan,
L. J. Cox,	R. M. Kincheloe,	Waller Sharp,
E. M. Dickson,	Henry Kremer,	C. C. Spalding,
J. M. Frazee,	Wm. Krieger,	D. W. Tribble—24.

On motion of Mr. Mathers,

Resolved, That the title of said bill be as follows, viz :

An act to abolish the institution known as the School for the Education and Training of the Feeble-minded Children, and to convert it into an asylum for the care of the chronic insane females of this Commonwealth.

Mr. Ferguson, from the Committee on Agricultural and Mechanical College, to which same had been referred, reported H. Resolution 106, entitled

Resolution directing the Public Printer to print and deliver to the Superintendent of Public Instruction five hundred copies of the law providing for management and administration of the A. & M. College.

Said resolution was read the first time, ordered to be printed and read the second time on some other day.

Mr. Kremer, from the Committee on Municipalities, which originated same, reported H. B. 548, entitled

A bill to amend the charter of the town of Parkland.

Said bill was read the first time at length, and ordered to be printed, and read the second time on another day.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed enrolled bills as follows :

S. B. 126. An act concerning juries, and entitled "Juries."

S. B. 231. An act concerning the State Normal School for Colored Persons.

That they had disagreed to a bill, which originated in the House, entitled

H. B. 358. An act to provide for deduction of pay for absenteeism.

Mr. Ball, from the Committee on Municipalities, reported S B. 210, entitled

An act for the government of cities of the third class,

With sundry amendments proposed thereto by the said committee.

Said bill is as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the several communities embraced in

the territorial limits of cities of the third class are hereby constituted and continued municipal corporations and bodies-politic by their former names and styles respectively, subject to all liabilities heretofore incurred, and possessing all the rights heretofore acquired.

§ 2. Each of said corporations shall have perpetual succession; shall have the right to sue and be sued, plead and be impleaded, contract and be contracted with; to acquire property, and to hold, use, manage, improve, rent, lease and sell and convey same; and may have a common seal and alter same at pleasure.

§ 3. The corporate powers of each of said cities shall be divided into three distinct departments, viz: The legislative, the executive, and the judicial; and no person, or collection of persons, being of one of said departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

§ 4. The legislative powers shall be vested in a board of councilmen, which shall be styled the "common council."

§ 5. No person shall be a councilman who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not actually resided within the corporate limits of the city for which he is elected for two years next preceding his election, and the last year thereof in the ward for which he may be chosen, and who is not a freeholder in the city for which he is elected, or who is interested, directly or indirectly, in any contract with said city; or person holding any franchise under, or any contract with, the city; and no collector or keeper of the city funds shall be eligible unless he shall, previous to his election, have settled with the city and obtained a quietus.

§ 6. The common council shall determine as to the qualifications, elections and returns of its members, and cases of ineligibility and contested elections shall be heard and determined by the common council in such manner as shall be defined by ordinance, and the result declared by resolution, the yeas and nays to be called and entered upon the journal.

§ 7. If, after his election, any councilman shall incur any of the disqualifications enumerated in the section before the last, his office shall be thereby vacated, the fact to be ascertained and declared as provided in the preceding section.

§ 8. A member who has a private or personal interest in any ordinance, by-law, resolution, measure, or question, proposed or pending before the common council, shall disclose the fact, and shall not vote thereon upon pain of expulsion.

§ 9. The common council shall be composed of twelve members, who shall be elected at a general election by the qualified voters of the city at large. They shall enter upon the discharge

of their official duties on the first Monday in December next after their election, and shall hold office two years, and until their successors are elected and qualified. They shall be apportioned equally among the different wards of the city, and not more than the apportioned number shall be eligible from any ward. If there shall be more candidates residing in any ward than the number of members apportioned to said ward, the apportioned number of them receiving the highest number of votes of the qualified voters of the city at large shall alone be eligible. If there shall be a tie vote between any candidates eligible, the tie shall be determined by a majority vote of the common council at its first regular meeting after organization.

§ 10. Not less than seven members of the common council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

§ 11. The common council may determine its own rules of proceeding, and may punish any member for non-attendance or any improper conduct while in office, by fine, suspension or expulsion, two-thirds of all the members concurring being necessary to expel. The said fine, suspension or expulsion to be fixed and declared by resolution, which shall have the same force and effect as the judgment of a court of competent jurisdiction, and from which there shall be no appeal; the yeas and nays being called, and entered with the resolution on the journal. If the offense be committed in the presence of the council while the same is in session, said resolution may be introduced and voted on at once, otherwise the resolution shall lie over at least one regular meeting, and the offending member be notified ten days in advance of the proposed action.

§ 12. To enable the common council fully to investigate charges against its members or other officers, or such other matters as it may have authority to inquire into, the mayor or clerk, upon request, is hereby authorized to issue subpoenas, and, by order of the council, compulsory process to compel the attendance of persons, and the production of books and papers before the common council or any committee thereof; and the common council is hereby authorized to enforce obedience to such process by fines and forfeitures, the same to be fixed and declared by resolution, which shall have the same force and effect as the judgment of a court of competent jurisdiction, and from which there shall be no appeal; the yeas and nays being called and entered, with the resolution, upon the journal.

§ 13. The common council shall cause to be kept a complete and correct journal of its proceedings, and the proceedings of each session may be published immediately after the adjournment thereof at least once in one or more newspapers published in the city; such newspaper or newspapers to be selected annually by the common council. All ordinances may be published

in like manner, and proposed ordinances may be so published between their first and second passages. But the failure so to publish shall not in any way affect the validity of any ordinance.

§ 14. The vote on all questions coming before the common council shall be *viva voce*, and upon the request of any member the roll shall be called and the yeas and nays entered upon the journal.

§ 15. The common council shall hold two regular meetings each month, upon such days as may be fixed by ordinance; and, two-thirds of all members elected concurring, each council may vote the members of the succeeding council, and before their election, compensation, but not to exceed three dollars to each member for each regular meeting he may attend, and the same shall not be changed during their term of office.

§ 16. The common council shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any individual or corporation to the city.

§ 17. The common council shall not exempt any person or property from taxation, and shall not refund to any person any taxes lawfully collected, nor extend the time for the payment of taxes, nor release any penalty incurred by non-payment of taxes; but may, two-thirds of all the members elected concurring, exempt any manufacturing establishment from taxation for a period not exceeding five years, as an inducement to its location.

§ 18. No ordinance shall take effect and be binding until the same shall have been twice publicly read and passed by the common council at two sessions, held on different days, a majority of those present voting for same on both passages, the yeas and nays being called and entered upon the journal.

§ 19. No councilman shall be eligible to any other city office during that period for which he was elected.

§ 20. All elections by the common council shall be by *viva voce* vote upon call of the roll, and every member present shall be required to vote unless previously excused by a vote of the council.

§ 21. In addition to the officers provided for herein, the council may provide, by ordinance, for the appointment or election of such others as may be necessary to carry into effect the provisions of this act, and prescribe their powers and duties, but so as not to conflict with the powers and duties of any officer otherwise provided for herein. No person shall be appointed or elected an officer of the city under this section unless he has attained the age of twenty-one years, and been an actual *bona fide* resident of the city for two years next preceding his appointment or election.

§ 22. The common council shall, subject to the limitations of this act, and previous to their election, fix the compensation of

all officers of the city, and provide for the payments of same in monthly installments. The common council shall by ordinance determine the number of standing committees, and the number of members which shall compose each committee.

§ 23. Subject to the limitations imposed by the Constitution and this act, the council shall have the power to contract debts, and to borrow money, and to issue the bonds of the city therefor, and to control the finances and the property of the city. The common council shall also have the power to issue bonds in renewal of any bonds theretofore lawfully issued, and to fund any floating indebtedness of the city lawfully contracted. No bonds of the city shall be sold below par.

§ 24. All vacancies in any office or position in said city, except as otherwise provided herein, shall be filled by the common council until the next regular election, which does not occur less than ten days from the happening or ascertaining of such matter. If the office is elective or appointive by the council, the office may be filled by the council, at any regular meeting thereof, held after a vacancy occurs therein.

§ 25. The common council may, from time to time, by ordinance, divide said city into wards as near equal in population as possible, but never to exceed six in number; and until changed by ordinance, the wards shall remain as now fixed.

§ 26. The common council may, at any time, by ordinance, two-thirds of all the members elected concurring, extend the limits of said city so as to include any adjacent territory.

§ 27. The common council may, once in every five years, or oftener, have made by a competent engineer a complete map of the city, showing all streets, alleys, blocks and lots in said city, and the name of the owner of each lot and the number of same, and the same shall be kept in the office of the city engineer, or the city clerk, and shall be competent evidence in any and all courts, either the original, or a copy certified by the city engineer, or the city clerk.

§ 28. The common council may, at least once in every five years, have all the ordinances of a general nature then in force printed, indexed, bound and published, and the same shall be competent evidence in any and all courts.

§ 29. The common council of each of said cities shall, within the limitations of the Constitution of the State and this act, have power by ordinance:

1. To levy and collect taxes upon all property, franchises and privileges taxable for State purposes.

2. To appropriate money and provide for the payment of the debts and expenses of the city.

3. To prevent the introduction of contagious diseases into the city, to make quarantine laws for the purpose, and enforce the same within ten miles of the city.

4. To establish and erect hospitals, alms-houses, city prisons, work-houses, make regulations for the government thereof, and

to acquire and hold land for the purpose, either within or beyond the boundaries of the city.

5. To provide the city and the inhabitants thereof with water, light, power, heat and telephone service, by contract, or by works of its own, located either within or beyond the boundaries of the city. To make regulations for the management thereof, and to fix and regulate the prices to private consumers and customers.

6. To provide for the prevention and extinguishment of fires, and to organize, establish and maintain fire companies.

7. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean, sprinkle and keep in repair streets, alleys, lanes, avenues and sidewalks, or to have the same done; and to erect, establish and keep in repair bridges, culverts, sewers, gutters, and to provide for the erection of all buildings for the use of the city; and to make appropriations for same. The common council may construct or reconstruct, maintain, alter, repair or change a system of sewers in such manner and at such time as the common council shall, by ordinance, declare, either by general taxation or at the cost of the property-owners. The common council may, by ordinance, construct, build, maintain, repair, alter or change a system of sewers at the cost of the property-owners of said city; but if so constructed, the same shall be done as follows: The common council shall divide said city into districts of not less than three or more than nine, and as nearly equal in area and population as possible; and not less than one district shall be sewered at one time. The cost of sewerage an entire district shall be apportioned among the property-owners of said district ratably, according to the superficial area of said property-owners' holdings in said sewer district. The engineer of the said city shall make the estimate and apportionment of cost to each lot-owner, and submit the same to the common council; and when said apportionment shall be received by said council, the amount found due by said engineer's report from each lot-owner shall become a lien on the property of said property-owner in said sewer district, and shall become due and payable at once, and if not so paid may be collected by petition in equity, filed in the circuit court of the county by the contractor performing said work for the city; and said court of equity is hereby empowered to enforce said lien and sell said property to satisfy said amount due for constructing sewerage; but the cost of sewerage all intersections of streets shall be paid for by the city.

8. To license, tax and regulate the sale of spirituous, vinous and malt liquors in the city or within one mile thereof.

9. To license, tax and regulate hackney carriages, cars, omnibuses, wagons, drays and all other vehicles, and to fix the rate to be charged for the carriage of persons and property within the city, and to the public works and property of the city beyond the city limits.

10. To license, tax and regulate theatrical and other exhibitions, shows and amusements, either within the city or within one mile of the city limits, or to prohibit and suppress the same.

11. To impose and collect license fees and taxes on stock used for breeding purposes, and all franchises, trades, occupations and professions, and to provide for the appropriation of same.

12. To prohibit and suppress all gambling houses, disorderly houses and bawdy-houses; and the selling, displaying or exhibiting obscene pictures and literature.

13. To regulate, restrain or prevent the establishment or continuance in or near said city of any trade or occupation, business or manufactory offensive to the public, or dangerous to health, or in causing or producing fire; and to regulate the sale of fire-arms, and to prevent the carrying of concealed deadly weapons.

14. To regulate the storage of gunpowder, tar, pitch, rosin, saltpetre, gun-cotton, coal oil, lime and other combustible, explosive or inflammable material, and the use of lights, candles, lamps, furnaces, stoves, steam pipes and other heating and lighting appliances in all sorts of buildings and places, and to regulate or suppress the use and sale of fire-crackers, fire-works and toy pistols.

15. To make all police regulations to secure and protect the general health, comfort, convenience, morals and safety of the public; and to define, declare, prevent, suppress and remove nuisances, either within the city or within one mile thereof.

16. To establish standard weights and measures to be used in the city.

17. To provide for the inspection and measuring of lumber and other building materials.

18. To provide for the inspection and weighing or measuring of stone coal, wood and fuel, hay, corn and other grain, and produce of all kinds.

19. To provide for and regulate the inspection of beef, pork, flour, meal and other provisions, oil, whisky and other spirits.

20. To provide for and regulate the inspection of milk, butter, lard and other provisions; to regulate the vending of meat, poultry, fish, eggs, vegetables and fruits; to restrain and prevent the forestalling and regrating of provisions, and to establish and regulate markets and market-houses and places.

21. To impose fines, forfeitures and penalties, and terms of imprisonment, for the violation of ordinances and by-laws, and to provide for their recovery and appropriation, and to provide for the seizure and destruction of all instruments of gaming.

22. To provide for the arrest, imprisonment and punishment of all riotous and disorderly persons by day or by night; and for the prevention, suppression and punishment of all riots and breaches of the peace, noise, disturbance or disorderly or unlawful assemblies, either within the city or within one mile of its limits.

23. To regulate or prohibit and prevent the erection of wooden buildings in such parts of said city as may be deemed proper, and to provide for the removal of the same at the cost of the owners, when erected or continued contrary to ordinance.

24. To regulate the construction of all buildings in the city, to prohibit and prevent the construction of unsafe buildings, or buildings without adequate means of escape in case of fire, and to provide for the inspection of buildings and the construction of fire-escapes.

25. To impose penalties upon the owner, occupant or agent of any house, wall, side-walk, or other structure which may be considered dangerous or detrimental to the public, unless, after due notice, to be fixed by ordinance, same be removed or repaired; and to remove or repair same at owner's expense when suffered to remain contrary to ordinance.

26. To establish, license, tax and regulate all ferries across any river within the limits of said city, or binding thereon, and to fix ferry rates.

27. To regulate, tax, license or suppress the keeping and going at large of all animals within the city, to impound the same, and in default of redemption pursuant to ordinance, to sell or kill same.

28. To provide for inclosing, improving and regulating all public grounds belonging to the city, in or out of the corporate limits.

29. To improve and preserve the navigation of any navigable river within or adjoining said city.

30. To erect, repair and regulate public wharves, docks and landings, and to fix the rate of wharfage.

31. To regulate the stationary anchorage and mooring of vessels or rafts.

32. To acquire, establish, and maintain public cemeteries, parks, squares, avenues, promenades and fountains, either within or without the city; to make all necessary appropriations for the cost and maintenance of the same, and to make regulations for the government thereof.

33. To provide for the closing on election days all places where spirituous, vinous or malt liquors are sold.

34. To grant the right of way along, over or across the streets, alleys and public grounds of the city to any railway, street railway, gas, water, steam heating, telephone or electric light or power company for a term not exceeding twenty years. Before granting such franchise or privilege, such city shall first, after advertising same for a period not less than thirty days, in some newspaper published in said city, receive bids therefor publicly, and award same to the highest and best bidder, having the right to reject any and all bids. Said city shall reserve the right to require such companies to conform to any changed or altered grades of said streets and public grounds, to pay the cost of paving or otherwise improving between its rails, and, for reason-

able distance on either side thereof, to make culverts beneath same for the free flow of water, and shall not be liable for any damage for delay in the operation of the business of any such company occasioned by any street improvement or repairs, or the constructing, bursting or repairing of any sewer or pipe in or across any street, alley or public ground, or injury by any mob or other violence; and shall reserve the right at any and all times to require a change of rails, or mode of construction or operation, to suit public convenience, and to require any pipes raised or lowered, and any wires taken down and laid underground, as the public good may require, and shall not be liable for the cost or damage occasioned by such changes, and shall reserve the right and power to regulate and control same and the streets, alleys and public way wherein they may be laid or constructed, as the public good may require. All such grants shall expire and become void, notwithstanding a consideration shall have been paid therefor, unless a *bona fide* organizations shall have taken place and business been commenced and prosecuted thereunder in good faith, within one year from the date thereof. The council may impose other conditions and terms in addition to and not inconsistent with those enumerated herein. The provisions in this subsection as to advertisements and bids, and limiting the grant to twenty years, shall not apply to the grant of the right of way to a trunk railway.

35. To establish a board of health, and to invest it with such powers and impose upon it such duties as may be deemed necessary.

36. To establish a board of sinking fund commissioners, and to invest it with such powers, and impose upon it such duties, as may be deemed necessary. The board of sinking fund commissioners shall consist of the mayor and two other persons, not city officers, who shall have the same qualifications as councilmen, to be appointed by the mayor and confirmed by the common council, who shall hold their office for four years without compensation. Said commissioners shall make an annual report of their doings and transactions to the common council, and execute bond to be approved by council for the faithful discharge of their duties.

37. To provide for the appointment of a police force, and to fix annually, in the month of December, the number of same, and their salaries, which shall be uniform, except the chief of police may be paid more. In case the common council shall fail in the month of December of any year to fix the number and salaries of the police force, they shall remain for the ensuing year as previously fixed.

38. To ascertain by survey, and mark and establish the boundaries and limits of said city, and all enlargements and additions thereof, and of the streets, alleys, lots and blocks thereon, and to make a map of same.

39. To carry out the full intent and meaning of this act and to accomplish the object of this incorporation.

EXECUTIVE DEPARTMENT—MAYOR.

§ 30. The chief executive authority shall be vested in a chief magistrate, who shall be styled the mayor.

§ 31. The mayor shall be elected by the qualified voters of the city for a term of four years, and shall enter upon the discharge of the duties of his office on the first Monday in December next after his election, and shall hold until his successor is elected and qualified. He shall not be eligible for the succeeding term.

§ 32. No person shall be eligible to the office of mayor who is not eligible to the office of councilman, except as to residence in any particular ward.

§ 33. He shall be the presiding officer of the council, shall decide all questions of order, and in case of a tie shall cast the deciding vote; and during the session of the council he shall have the same power to enforce order and decorum, and to punish for contempt that is now, or may hereafter be, conferred by law upon circuit court judges in this Commonwealth; and may issue subpoenas, writs and compulsory process for the attendance of witnesses and the production of books and papers before the council, or any such committee or board, and to enforce same by appropriate fines, forfeitures and punishments, to be entered as on order upon the journal of the council or minute-book of the committee.

§ 34. In case of the absence or disability of the regular judge, he shall designate some person possessing the requisite qualifications to preside over the police court, and when so presiding such person shall have the same power conferred by law upon the police judge.

§ 35. He shall see that the laws and ordinances of the city are observed and enforced, and that all ministerial and executive officers of the city perform their respective duties.

§ 36. He shall appoint all policemen, by and with the advice and consent of the common council, and may remove same at pleasure, and shall designate one of their number to act as chief of police and change same at pleasure. He may command the police in the performance of executive duty. He shall be a conservator of the peace, and when deemed necessary by him to enforce the law, he may summon into service any citizen, but in such cases he must be present and command in person. He shall, in case of emergency, have the power to appoint special policemen in addition to the regular force, but not for a longer period at one time than three days, unless specially authorized by the council, and such special policemen shall be paid at the same rate per day paid regular policemen, and have the same power and authority.

§ 37. All policemen shall be commissioned by the mayor in writing, and the commission of all regular policemen shall run to the 31st day of the succeeding December, subject to revocation at the pleasure of the mayor. They shall be peace officers

of the city and the Commonwealth, with the same powers to make arrests, execute penal and criminal process, and enforce the laws, as is conferred by law upon constables and sheriffs. Their jurisdiction shall be co-extensive with the city and extend one mile beyond its limits.

§ 38. He shall have the power to swear witnesses, and to administer oaths generally and to certify same.

§ 39. He shall keep the council advised as to the state and condition of the municipality, and recommend to their consideration such measures as he may deem expedient.

§ 40. He may, when he deems it expedient, and shall, upon the written request of a majority of the members of the council, call a special meeting of the council, but in the call he shall designate the purpose of same, and no other business shall be considered.

§ 41. He may at any time require information from the executive and ministerial officers of the city upon any subject relating to the duties of their respective offices.

§ 42. He shall annually require of the executive and ministerial officers of the city a detailed statement, in writing, of the business and condition of their respective offices and departments, which statements he shall embody in a report with such other statements, suggestions, recommendations and information as he may deem proper, which report he may cause to be printed and presented to the common council.

§ 43. Every ordinance, and every resolution, order or measure appropriating or involving the expenditure of money, and every grant of any license, privilege or franchise shall, within three days after its final passage, be correctly and legibly engrossed by the clerk and presented to the mayor for his approval. If he approve same, he shall sign it. If he shall not approve same, he shall return it, together with his objections in writing to the common council at the first regular meeting, which shall not be held within five days after same shall have been presented to the mayor, and same shall be immediately reconsidered by the council, and shall not take effect and be binding unless again passed, two-thirds of all the members elected voting for same, the yeas and nays being called and recorded upon the journal. If the mayor shall fail to return an ordinance, resolution or measure as herein provided, it shall take effect and be in force from the time he should have returned it.

§ 44. The mayor shall have the power to make *pro tempore* appointments to fill temporary vacancies occasioned by sickness, absence, or other disability of any officer, except councilmen, and to suspend any city officer except councilmen for misconduct in office or neglect of duty, reporting his action, with his reasons therefor, in writing, to the next regular meeting of the common council, by whom final action shall be taken.

§ 45. The mayor shall have power to bid in property for the city at all tax and judicial sales when the city is a party, and it

shall be his duty to attend all such sales. He shall have the power to sell and convey same, subject to the approval of the common council.

§ 46. The mayor shall keep an office in some convenient and public place in the city, to be provided by the council at the expense of the city, and shall keep regular stated office hours, shall not engage in any private business likely to interfere with his official duties, and shall devote his time and attention to the affairs of the city. He shall have supervision over all the ministerial and executive officers of the city, and shall at least once a month examine their books and accounts, and report the result of the same to the council.

§ 47. The mayor shall be paid an annual salary of one thousand dollars, payable monthly out of the city treasury, but the same may be changed by ordinance, but not during his term of office, and shall never be made less than eight hundred dollars per annum, nor more than twenty-four hundred dollars per annum.

§ 48. A mayor *pro tempore* shall be chosen by each common council at its first regular meeting after the organization, or as soon thereafter as practical, from among its members, who shall, in the absence of the mayor, or during his disability, or in case of vacancy, perform all the duties and exercise all the powers vested in the mayor; but he shall not approve or veto an ordinance, resolution or measure during the absence or disability of the mayor, unless such absence or disability shall have continued longer than ten consecutive days.

§ 49. The mayor *pro tempore* shall be paid for his services while performing the duties of mayor the rate per day paid the regular mayor, less any thing he may have received, or be entitled to receive, as councilman during the time: *Provided, however,* The mayor *pro tempore* shall not receive any compensation for performing the duties of the mayor during his absence or disability, unless such absence or disability shall continue longer than ten consecutive days.

CITY ATTORNEY.

§ 50. Each council shall at its first regular meeting, or within one month thereafter, elect a city attorney, who shall hold his office for two years, and until his successor is elected and qualified.

§ 51. No person shall be eligible to the office of city attorney who, at the time of his election, is not an actual resident in, and qualified voter of, the city, and who has not been a licensed practicing attorney for at least five years; nor who is a stockholder in, or an officer, agent, attorney or employe of, any corporation or person holding any franchise under, or having any contract with, the city.

§ 52. The city attorney shall be the general law officer of the

municipality. He shall attend all meetings of the common council, advise same and all other city officials in all matters pertaining to their duties or affecting the interest of the city, whether called upon to do so or not, and generally to attend to all legal business of the city, except prosecutions in the police court and appeals therefrom.

§ 53. The city attorney shall be paid an adequate annual salary, payable monthly out of the city treasury, the same to be fixed by ordinance before his election, and not changed during his term of office. In addition to his salary, the city attorney shall be paid his expenses when it shall be necessary for him to go out of the city to attend to legal business for the city, and ten per cent. upon all sums recovered and collected by him for the city.

CLERK.

§ 54. Each council shall, at its first regular meeting, or within one month thereafter, elect a city clerk, who shall hold his office for two years, and until his successor is elected and qualified.

§ 55. No person shall be eligible to the office of city clerk who, at the time of his election, is not twenty-one years of age, a resident in, and qualified voter of, the city, a good scribe and a competent book-keeper.

§ 56. It shall be the duty of the city clerk to attend all meetings of the council, to keep full and accurate minutes of its proceedings, and to record same before the next regular meeting in a journal to be kept by him for the purpose.

§ 57. The clerk shall within ten days, or sooner if ordered, issue a *capias pro fine* upon each fine and an execution upon each forfeiture imposed by the council, or by the mayor, said writs to be in the same form, directed to the same officer, and recorded and made returnable in the same way, as upon similar judgments in the police court of the city.

§ 58. He shall keep such other records and perform such other duties as may be prescribed herein or by ordinance.

§ 59. He shall be the custodian of the seal of the city, and of all records and papers not properly belonging to some other office, and copies of same attested by him shall be competent evidence in all courts.

§ 60. He shall, immediately after adjournment, certify to the auditor and treasurer of the city all licenses granted, and all claims allowed by the common council.

§ 61. He may, in writing signed by him, to be approved by the council and entered upon the journal, appoint a deputy, who shall have all the powers of the clerk, and for whose acts and omissions the clerk shall be responsible. Said deputy shall be subject to removal by the clerk at his pleasure.

§ 62. In addition to the fees herein prescribed, the city clerk shall be paid such compensation as shall be prescribed by ordinance, and which shall not be changed during his term of office.

AUDITOR.

§ 63. Each council shall at its first regular meeting, or within one month thereafter, elect a city auditor, who shall hold his office for two years, and until his successor is elected and qualified.

§ 64. His qualifications shall be the same as those of the city clerk.

§ 65. He shall be the general accounting officer of the city, and shall perform such duties as may be prescribed herein or by ordinance.

§ 66. It shall be his duty to draw his warrant upon the treasurer for the payment of all duly authorized claims against the city, which warrant shall state the name of the person to whom said claim is payable, for what, and the fund out of which same is payable, and the same shall be numbered and registered by the auditor and indorsed by him as a lawful and valid claim against the city.

§ 67. It shall be his duty, upon production to him of the treasurer's receipt, showing that the correct amount has been paid, to issue all licenses prescribed by ordinance or granted by the council, and he shall charge the treasurer with the amount of such receipts, and preserve the same in his office.

§ 68. He shall be paid such compensation as shall be prescribed by ordinance, which shall not be changed during his term of office.

§ 69. The office of the auditor may at any time be abolished or restored by ordinance, and while abolished its duties shall be performed by the city clerk.

TREASURER.

§ 70. Each council shall, at its first regular meeting, or within one month thereafter, elect a city treasurer, who shall hold his office two years, and until his successor is elected and qualified.

§ 71. His qualifications shall be the same as those of the city clerk.

§ 72. He shall receive and safely keep all the money belonging to the city, and shall not pay the same out except upon warrants drawn and indorsed as required by law.

§ 73. He shall keep a fair and accurate account of all the receipts and expenditures of the city, showing when, from whom, and to whom, and for what purpose, said money was received and paid out.

§ 74. He shall perform such other duties as may be prescribed herein, or by ordinance.

§ 75. He shall not enter upon the discharge of the duties of his office until he shall have executed bond, with sufficient security, to be approved by the common council.

§ 76. He shall receive such compensation as shall be prescribed by ordinance, which shall not be changed during his term of office.

ASSESSOR.

§ 77. Each council shall, at its first regular meeting, or within one month thereafter, elect a city assessor, who shall hold his office two years, and until his successor is elected and qualified.

§ 78. No person shall be eligible to the office of assessor who, at the time of his election, has not attained the age of twenty-four years, and who has not actually resided in said city four years next preceding his election.

§ 79. It shall be the duty of the city assessor to make and return once a year, in such manner and at such time as may be prescribed by law or ordinance, a complete and correct list of all the taxable property and tithes in the city, and to perform such other duties as may be prescribed by ordinance.

§ 80. He may, by writing signed by him, to be approved by the council, and entered upon its journal, appoint as many deputies to assist him in the discharge of his duties as he may deem necessary, who shall possess the same qualifications, and have all the powers of the assessor, and for whose acts and omissions the assessor shall be responsible. Said deputies shall be subject to removal by the assessor at his pleasure.

§ 81. The assessor and his deputies are authorized and required, in every case, under penalty of forfeiture of office, to administer the oath required to be taken by persons whose property is to be listed for taxation for State revenue purposes.

§ 82. The assessor and his deputies, before they enter upon the discharge of the duties of the office, shall, in addition to the oath prescribed herein for other officers, take the following oath: "I do swear that I will fix the value of all property to be listed by me at its fair cash value, estimated at the price it would bring at a fair voluntary sale, without favor or partiality; that I will diligently search and inquire so that no person shall be passed over, or fail to have an opportunity to give a list of his taxable property, and that I will truly report all persons who shall fail or refuse to list their taxable property after being called on me for that purpose, or who has given in a false or fraudulent list, so help me God."

§ 83. In addition to the duties prescribed herein, the assessor shall perform such other duties as may be prescribed by ordinance.

§ 84. He shall be paid such compensation as may be prescribed by ordinance, which shall not be changed during his term of office.

MARSHAL.

§ 85. There shall be elected at the regular election in November, 1893, and every four years thereafter, by the qualified voters of the city, a city marshal, who shall hold his office four years, and until his successor is elected and qualified.

§ 86. No person shall be eligible to the office of marshal who,

at the time of his election, has not attained the age of twenty-four years, and who has not actually resided and been a qualified voter in said city two years next preceding his election.

§ 87. The city marshal shall not be eligible for the succeeding term, nor shall he serve as deputy marshal for the succeeding term.

§ 88. He shall wait upon the police court of the city as the sheriff is required to wait upon the circuit court of his county. He shall be a peace officer of the city and the Commonwealth, and the chief ministerial officer of the police court of the city.

§ 89. It shall be the duty of the marshal to attend all sessions of the police court and of the common council, and to preserve order, and to obey the lawful mandates of the court, council and mayor.

§ 90. He shall have the power to execute and return all civil, penal and criminal process issuing from any of the courts, or by any officer of the Commonwealth, and his jurisdiction shall be co-extensive with his county; but he shall not be required to execute any process from any court except the police court of his city.

§ 91. He shall execute all process or notice issued by the city clerk, by the mayor, or by any board or committee authorized to issue same, or the clerk thereof.

§ 92. He shall perform such other duties as may be prescribed herein or by ordinance.

§ 93. He shall keep an office in the city hall, or some other convenient place to be designated by the council, and provided at the expense of the city, and he or one of his deputies shall be in the office during all business hours of the day.

§ 94. He may, by writing, signed by him and approved by the council and entered upon its journal, appoint as many deputies to assist him in the discharge of his duties as he may deem necessary, who shall have all the powers of the marshal, and for whose acts and omissions the marshal shall be responsible on his official bond.

§ 95. He shall enter upon the discharge of the duties of his office on the first Monday in December next after his election, but not until he shall have executed bond, with sufficient security, to be approved by the council.

§ 96. The marshal shall receive such compensation in the way of salary, commissions and fees as shall be prescribed herein, or by ordinance, which shall not be changed during his term of office: *Provided, however,* For services other than for the city he shall receive the same fees and commissions allowed by law to sheriffs and constables for similar service.

§ 97. For service of process for the city, or in the name of the city, he shall receive the same fees and commissions allowed by law to sheriffs and constables for similar service, provided same shall be collected from the defendant, but in no case shall the city be liable for fees or commissions unless same shall be collected and received by the city in money.

§ 98. He shall not engage in any business or receive any process that interferes, or is in any way incompatible, with his duties to the city. He shall settle his accounts with the city monthly, in the manner prescribed by ordinance, the same to be examined and certified by the Auditor and mayor, and approved by the council: *Provided*, The common council may, by ordinance, abolish or restore the office of marshal, and when so abolished the duties herein imposed on the marshal shall be performed by such officer as the common council shall designate or appoint.

PROSECUTING ATTORNEY.

§ 99. There shall be elected at the regular election in November, 1893, and every four years thereafter, by the qualified voters of the city, a prosecuting attorney of the police court, who shall hold his office four years, and until his successor is elected and qualified.

§ 100. No person shall be eligible to the office of prosecuting attorney of the police court who, at the time of his election, is not an actual resident of, and qualified voter in, the city, and a licensed practicing lawyer for one year next before his election.

§ 101. He shall enter upon the discharge of the duties of his office on the first Monday in December next, 1894.

§ 102. It shall be his duty to attend all sessions of the police court, and to prosecute all criminal and penal cases in said court, whether for violations of the ordinances of the city or the laws of the State, and any appeals from same.

§ 103. He shall receive as his compensation thirty per cent. of all fines and forfeitures recovered in said court, and which shall be collected and paid into the treasury of the city, the same to be ascertained from the monthly settlements of the marshal, and paid upon order of the council.

REVENUE AND TAXATION.

§ 104. All real and personal estate within the city, and all personal estate of persons domiciled or actually residing in the city on the tenth day of January in the year in which the assessment shall be made, and of all corporations having their chief office or place of business in the city on said date, and the franchises of same, shall be subject to assessment and taxation for all local and municipal purposes, unless exempt from taxation by the Constitution, and the same shall be assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale. Any franchise granted, in whole or in part, by a city, and exercised within said city, may be taxed by said city notwithstanding the corporation owning or exercising same may have its chief office or place of business elsewhere.

§ 105. The city shall have a lien for five years from the date of assessment on the property assessed, and on all other prop-

erty, of each person or corporation, for all taxes due by them respectively to the city, which shall not be defeated by gift, devise, sale, alienation, or any means whatever, and nothing shall be exempt from levy and sale under a tax warrant.

§ 106. For the purpose of taxation real estate shall include land and the improvements thereon, and personal estate shall include every other species and character of property, that which is tangible and that which is intangible.

§ 107. The holder of the legal title and the holder of the equitable title, and the claimant or bailee in possession of property of all kinds, on the tenth day of January, shall be liable for the taxes thereon, and it may be assessed to either, and shall be valued without regard to any conflicting title.

§ 108. In assessing real estate, each lot or parcel of ground shall be given in a separate item, together with the number of each on the map of the city, and the street and square where situated, and the number of feet front, and the depth, and how much frontage on each street where it binds on more than one street. The value of the ground and the improvements shall, as to each lot, be stated separately.

§ 109. All property shall be assessed and valued as of the tenth day of January of each year, and the assessor shall begin his work on that day or as soon thereafter as practicable, and have the same completed by the tenth day of March following, and return the same to the common council.

§ 110. The common council shall prescribe and provide, for the use of the assessor, books and blank schedules with appropriate headings and columns.

§ 111. The provisions of the law for the assessment of property for taxation for State purposes are hereby adopted as part of this act, as far as same is applicable, except as herein otherwise provided.

§ 112. During the month of March of each year the mayor shall, subject to the approval of the council, appoint three intelligent housekeepers residing in different wards of the city, who shall constitute the board of tax supervisors for said city.

§ 113. The said supervisors shall convene in the council hall on the first Monday in April in each year and proceed to the discharge of their duties. The assessor shall meet with them and act as their clerk. The supervisors shall supervise all assessments, and see that all property is assessed at its fair cash value, taking into consideration the width, depth and location of lots, and the cost and condition of improvements and personal property.

§ 114. The provisions of the law governing the county supervisors of tax are hereby adopted as part of this act as far as same is applicable, except as otherwise herein provided.

§ 115. The supervisors having finished their work, shall return the tax-book to the city clerk, who shall submit same to the common council, and the council shall have power to make such

changes in the assessment of valuation of any list as may be just and equitable, and any person aggrieved by any action of the assessor or supervisor may appeal to the common council.

§ 116. After the tax-book shall have been amended or changed as above, the common council shall, by resolution, accept the tax-book, fix the rate of taxation for the year, and place it in the hands of the clerk to be copied, and the clerk shall write out the amount of taxes due on each list in such form as may be prescribed by ordinance.

§ 117. The clerk shall, each year, after the completion of the work of the board of supervisors, make out, as hereinafter directed, or in such form as may be prescribed by ordinance, tax-book or receipts against such persons and property as may be assessed, and deliver them not later than the first day of June to the treasurer or tax collector.

§ 118. Before delivering the tax-book or tax-receipts to the city collector, the clerk shall take from the collector a receipt for the full or gross amount of taxes due said city, which receipt shall be presented to the common council, and recorded in its minutes, and the collector shall be charged with the full or gross amount of said taxes.

§ 119. All taxes shall be due and payable as soon as the tax-book or tax-receipt come to the hands of the collector, and said tax-books or receipts shall have in the hands of the collector all the effect and operation, to all intents and purposes, of an execution at law in favor of the city and against each and every tax-payer and his property for the payment and satisfaction of the amount of tax against each tax-payer respectively.

§ 120. The collector, by virtue of said tax-book or tax-receipt, shall have like power and authority to levy upon the personal property of the respective tax-payers to satisfy the amount due from each tax-payer respectively, that sheriffs of this Commonwealth have to levy executions in their hands upon personal property, and shall have like power given by law to sheriffs for the collection of taxes by garnishment.

§ 121. In the collection of taxes placed in his hands for collection, the collector may distrain the goods and chattels owned by or in the rightful possession of the person from whom the tax is due, notwithstanding the existence of any lien upon the same.

§ 122. The common council may, by ordinance, make such discount for the prompt payment of taxes, and prescribe such penalties for the dilatory payment of taxes as, in its discretion, may be proper.

§ 123. It shall be the duty of the collector to list for taxation any property he may find has been omitted, and he shall report such lists to the city clerk, who shall indorse same on the tax-book, and charge the collector therewith, and the collector shall have the same power to collect said lists as if they had been originally listed by the assessor.

§ 124. It shall be the duty of the collector to make out a statement, twice in each month, of the total amount of money received by him as collector since his last report, giving the names and amounts paid by each tax-payer. This statement shall be sworn to by the collector, and, together with the total amount of money received by him, shall be immediately delivered to the treasurer of the city.

§ 125. The collector may, by and with the consent of the common council, appoint a deputy collector, who shall have the same power and authority as the collector, and the collector shall be liable on his official bond for the acts of such deputy.

§ 126. On the 1st day of January in each year, after the assessment of the city taxes, the tax collector shall make out tax bills against all persons or corporations owing taxes on real estate, with a description and location of the property assessed, and upon which taxes are due, and the amount thereof, which bills shall be certified by the city clerk as being true and correct lists, and he shall furnish said lists or bills to the city attorney, whose duty it shall be to bring without delay suits for the recovery thereof in the circuit court of the county.

§ 127. Said lists or bills, when certified by the city clerk, shall be *prima facie* evidence that the property was properly listed by the city assessor, that the ordinance levying the taxes was duly adopted, and that all the steps necessary to secure a lien on the property have been duly and properly taken, and that the person owing the taxes has no personal property in the city out of which said taxes could be made.

§ 128. In these suits the city shall, unless there be cause to the contrary, ask for and obtain a personal judgment against the person assessed, as well as the enforcement of the lien for taxes hereinbefore given.

§ 129. The action herein authorized shall, in all respects, be conducted like suits upon liens arising upon contracts, and said courts shall have jurisdiction of all suits for the enforcement of the collection of taxes as herein provided.

§ 130. The sums due for taxes for earlier and later years shall be included in the petition and judgment. All taxes shall bear interest at the rate of eight per centum per annum, from the first of October of each year. When all the taxes due by the same owner, or set of joint owners, exclusive of interest, amount to less than \$20, the city attorney may combine with other bills or sets of bills. Also less than twenty dollars, having due regard to the nearness of location, in one action, so that the aggregate of the bills embraced in one suit may amount to fifty dollars or over.

§ 131. Whenever taxes due for a year preceding the assessment of 1893 are included in an action brought pursuant to the next preceding section, are set up by pleading in any action, the material facts making them a lien on the property to be subjected shall be stated in the petition or other pleading, and the

court shall render judgment according to the justice of the case, and this rule shall also prevail in all actions which may be brought exclusively for the taxes of such former years; and such actions are hereby authorized upon all past due taxes on real estate.

§ 132. The common council of each city shall have the authority to levy each year a poll-tax of not exceeding one dollar and fifty cents on each adult male residing in said city on the tenth of January; also an ad valorem tax for general revenue purposes not exceeding the limit prescribed in the Constitution; for school purposes not exceeding fifty cents on the one hundred dollars; and for the purpose of meeting indebtedness, bonded or floating, existing prior to the adoption of the Constitution, such amount as may be necessary.

§ 133. No error or irregularity in the assessment of property shall invalidate the assessment or any proceeding under same.

COLLECTOR OF TAXES.

§ 134. The council shall elect at their first regular meeting in April, in each year, a collector of taxes, whose duty it shall be to well and faithfully collect, account for, and pay over to the city treasurer, all taxes levied by the city, and who shall hold his office for one year, and until his successor shall be elected and qualified.

§ 135. No one shall be eligible to the office of collector of taxes unless he be a male citizen of the city, at least twenty-one years of age, and a *bona fide* resident of said city; but no collector of taxes shall be eligible to re-appointment or re-election to the same office until he shall have made a settlement with the council of all his accounts, and paid over all money in his hands, and have obtained from said council a quietus.

§ 136. If there is no personal property out of which the collector can make the taxes, and the same are not paid within four months after he receives the tax-books for the collection, he may levy on any real estate in said city belonging to or listed to said delinquent tax-payer, and sell so much thereof for cash as will pay the taxes due, commissions and costs; but in this regard the laws of this Commonwealth governing the powers and duties of sheriffs in levying on and selling property under execution shall be applicable to the collector, and regulate his powers and action as to the order and manner of levying on property, the mode and time of advertising, and place of sale; and it shall be the duty of the mayor of said city to bid therefor the taxes due, commissions and costs of sale, and when said sums are bid on said property, the same shall be struck off to him for benefit of the city, unless some one else offers to pay said amounts for a less quantity of land.

§ 137. The owner of the real estate so sold, his heirs, representatives or assigns, shall have the right to redeem the same

from the purchaser thereof, at any time within two years from the day of sale, by paying to the purchaser the amount bid by him at said sale, with eight per cent. per annum interest thereon from the day of sale: *Provided*, If the owner of said property is a minor, married woman or of unsound mind, and the same is not redeemed according to the above terms, and within the two years, by said owner or owners, or by some one for them, the purchaser, other than the city, may bring suit in equity in the circuit court in said county to have so much of said property so purchased sold as may be necessary to pay the said sum bid at collector's sale, with interest at ten per cent. per annum and costs of suit, and for any other taxes appearing to be due and payable on said property at the rendition of judgment in said suit; and the plaintiff shall, before any judgment is rendered, give good security to the defendant, to be approved by the court, that he will pay off any and all taxes for which said property is adjudged to be sold, and produce to court and file in the cause proper and legal receipts for such taxes before any deed is made to the property sold; but no such suit against persons under disability shall be brought after five years shall have passed from the day of sale by the collector, and any such suit now pending, unless brought within said time, shall abate as to said claim or claims.

§ 138. In all cases when the collector shall levy on real estate, it shall be his duty to evidence his levy by writing, which in each case he shall make out upon a separate paper, and shall state therein, to the following effect: "By virtue of the collector's tax-book for the year —, placed in my hands for collection by the council, I have this day levied upon the following described real estate (here give a description of the property) as the property of A B, to satisfy the unpaid taxes of the said A B for the —, in favor of the city, and the costs of selling the same." The collector, after selling real estate for taxes, shall return upon the same paper upon which his levy is written a description of the real estate sold, the time and place of sale, that he first advertised the same according to law, the name of the purchaser, and the amount paid by him for the property sold, all of which levy and return the collector shall return to the office of the clerk of the council, which shall be recorded or bound in a book kept for that purpose by the clerk, and the original return of the collector shall also be filed and preserved in his office; all sales, returns and settlements shall be made by the collector prior to the close of the fiscal year.

§ 139. The collector of taxes shall give to the purchaser of any property sold by him for taxes a certificate of purchase, containing a description of the land purchased by him, time of sale, and quantity sold, the price at which sold, the amount of taxes sold for, and the year or years such taxes were owing; and such certificate shall be sufficiently descriptive, if set out with such certainty that the property can be conveniently found, from an

inspection of the map of the city, and if the property is not properly described in said map, then the description of the collector must be otherwise sufficient to enable the purchaser to find the property. All certificates of purchase shall be recorded in a book (or bound in a book), kept for the purpose, by the clerk of the council of said city as a public record. But the collector's returns of any such sales to the mayor for the use of the city shall be deemed his certificate of such sales and purchase by the city.

§ 140. If any real estate sold by the collector, and purchased by any one, except the mayor of the city, and except that sold as the property of minors, married women or persons of unsound mind, is not redeemed within the time provided herein, it shall be the duty of the collector, or any one of his successors, to convey by deed said land to the purchaser, embodying a copy of said certificate of sale in his deed.

§ 141. The person whose real estate may be sold by the collector to other persons than the mayor, his heirs or personal representatives, may, at any time within one year from day of sale, redeem the same by paying, or tendering, in case acceptance of payment is refused, to the purchaser, or his representatives, the full amount for which the property was sold, with twenty per cent. interest per annum thereon until paid or tendered. In case the purchaser refused to accept payment thereon, or in case the purchaser be a non-resident of the city, the owner may deposit the amount and interest with the treasurer of said city and take his receipt therefor, and shall at once file such receipt with the clerk of the council, which shall operate as a redemption of the property sold. If the property purchased shall not be redeemed as aforesaid within a year from the day of sale, then, at the end of the year, the purchaser shall be entitled to a deed for the property, and the collector who made the sale, or his successor in office, shall execute and acknowledge before the county court clerk a deed of conveyance to the purchaser, which shall pass all the title, legal or equitable, of the original owner to the purchaser.

§ 142. All sales of real estate that shall be made, under and by virtue of the power and authority of said collector, and all deeds of conveyance made by him in pursuance thereof, as provided in this act, shall be as valid to all intents and purposes as sales and conveyances of real estate by sheriffs under execution, and purchasers of real estate at sales made by collectors under the provisions of this charter shall, to all intents and purposes, be protected to the same extent, and as completely, in their purchases and title thus acquired, as purchasers under execution sales are protected by the laws of this Commonwealth.

§ 143. The collector shall return to the office of the clerk of the council the "collector's tax-book" at the end of his official term, which shall be preserved in his office as other public records, together with his written report, showing the delin-

quents who shall have failed to pay their taxes; and also all unfinished levies, if any, made by said collector under said tax-book, upon property remaining unsold, which written levies made in every case, in which the taxes have not been paid, shall be recorded by the clerk or bound in a book kept for that purpose by him, as aforesaid, and the collector, after his term of office expires, shall have the power, and shall go on and complete said levies, by a sale of property levied on, to satisfy the taxes remaining unpaid, and he or his successor shall consummate such sales by executing deeds to purchasers in accordance with the foregoing provisions; and the collector shall make the additional and further return to the council within six months after the expiration of his official term, in every case of his sales of property, which sales it is declared his duty to make in all cases when the taxes are not paid, which last returns of the collector shall likewise be recorded by said clerk at the end of the previous returns, respectively, in the book to be kept by him for that purpose.

§ 144. The collector, in all cases in which he shall be unable to find property while he has tax-books or tax receipts in his hands upon which to levy to make the taxes, or any part thereof, to return the fact, at the end of his official term; and if such return of "no property found" be true, then as to such uncollected taxes the collector, in his settlement with the council, shall receive a credit for the amount by delinquent taxpayers. The council, before giving the collector credit, or allowing his delinquent list, may question him on oath as to the truth of his return, or hear evidence of others concerning the same; and unless the council shall be satisfied that the taxes could not have been made by the collector by the exercise of reasonable diligence, the credit shall not be allowed.

§ 145. In all cases of a failure or omission of the collector to collect all taxes shown upon his tax-books, or return his levies for the satisfaction thereof, and to return in substance "no property found" as to those who had no property, said collector and his sureties shall be liable upon his official bond to the city for the amount of such taxes.

§ 146. After the collector shall make his return of "no property found" as to any unpaid taxes, it shall be lawful for the city to institute proceedings by petition, in any court having jurisdiction thereof, against such delinquent tax-payers for the satisfaction of such taxes, and subject by attachment and garnishment, without giving bond, any choses in action or legal or equitable rights or interest of the tax-payer in any property, under the same rules and regulations, and like remedies given by the Civil Code of Practice of Kentucky, to individuals in cases upon the return of "no property found" upon an execution.

§ 147. The collector shall receive a salary or per centum, to be fixed by the council, to be paid out of the Treasury, as may be

prescribed by ordinance for collecting and accounting for the taxes and public dues, twenty-five per cent. of which shall be retained until the collector shall make his final settlement and be entitled to his quietus. No cost or commission shall be allowed the collector on any sales of property which may be purchased at a tax sale by the city.

BOARD OF PUBLIC WORKS.

§ 148. The common council of the cities of the third class may, by ordinance, establish a board of public works, to consist of three freehold electors of said city, and who have been *bona fide* residents of the city so establishing said board of public works for two years next before their appointment. Said ordinance shall require the mayor of said city to appoint said board of public works in one month from the passage of the ordinance creating said board, and no two of said members of the board of public works shall be selected from the same ward. When no board of public works has been established, the duties herein imposed shall be performed by the common council, and such other employes and agents as said common council may elect or designate.

§ 149. The members of said board shall enter upon the discharge of the duties of their office as soon as appointed, and shall hold office four years, and until their successors are appointed and qualified.

§ 150. Any vacancy in said board shall be filled for the unexpired term in the same way the original appointments were made.

§ 151. The compensation of the members of said board shall be fixed by the common council prior to their appointment, and shall not be changed during their term of office.

§ 152. In the absence of the mayor, said board shall have the power to designate one of their number to act as chairman and presiding officer *pro tempore*, and he shall, while presiding, have the same power as the mayor would have if he were present and presiding.

§ 153. Two of said members with the mayor, or three of them without him, shall constitute a quorum for the transaction of business.

§ 154. Said board shall hold at least one meeting each month, and as much oftener as the business intrusted to its care may require. Said meeting shall be held at stated times, and the mayor, or any two members of said board, may at any time call a special meeting.

§ 155. Said board shall keep a correct and complete record of its proceedings, and upon the passage of every resolution or order of any kind the yeas and nays shall be called and entered upon the journal, and immediately after the adjournment of each meeting the proceedings shall be published in some news-

paper published in the city, to be designated by the board at the beginning of the year.

§ 156. The auditor of the city shall *ex officio* be the clerk of said board, and shall be the custodian of its records, and copies of same attested by him as clerk of said board shall be competent evidence in all courts.

§ 157. No person shall be eligible to membership in said board who is related to the mayor or any member of the council within the third degree of consanguinity or affinity under the civil law.

§ 158. The members of the board shall have seats in the common council of the city, and be entitled to take part in its debates, proceedings and deliberations, on all questions relating to matters under their charge, subject to such rules as the council may from time to time prescribe by ordinance, but without the right to vote.

§ 159. Except as may be herein otherwise provided, the said board shall have the exclusive right to employ the chiefs and heads of departments; firemen, work-house, hospital, alms-house and city prison employes; engineers, clerks, superintendents, scavengers and such other persons as it may be deemed necessary for the proper execution of its duties, and remove same at its pleasure, and fix their salaries and compensation; but the salaries of all such employes, except common laborers, shall be fixed within the limits prescribed by the common council. The said board shall not employ or contract with any person who is related to any member of said board, or to the mayor, or to any member of the common council within the third degree of consanguinity or affinity under the civil law.

§ 160. The board of public works shall have the exclusive power and control over the construction, supervision, cleaning, sprinkling, repairing, grading and improving of all streets, alleys, avenues, lanes, public cemeteries, parks, squares, fountains, wharves and landings, market-houses and places, bridges, sewers, drains, ditches, culverts, streams, canals and water-courses, side-walks, curbing, and the lighting of all such public places as may be deemed necessary within the corporation; to fix and establish the grades of all streets, alleys, avenues and thoroughfares; they also have the power, supervision and control over the construction, repairing, cleaning, lighting and heating of all public buildings, and over all public improvements of the city. They shall have the exclusive power to make all improvements and expenditures, within the revenue limits allowed by the council, which shall cost less than five hundred dollars, but shall let all contracts over fifty dollars to the lowest responsible bidder after due advertisement. The said board shall have the exclusive power to organize and control the fire department, the work-house, the hospital, the alms-house, the city prison, and such works as the city may own for supplying the city or the inhabitants thereof with water, light, heat or power.

§ 161. That the board of public works shall, on or before the day fixed in each and every year for the tax levy, prepare and submit to the council an itemized estimate of the amount of money necessary and advisable, in their opinion, to spend in the execution of the duties intrusted to them for the ensuing year, giving in detail the plans of construction and repairs, with estimates of expenditures and salaries, wages, etc., proposed by them, with the estimated cost of each improvement or salary, specifying for what department required ; and it shall be the duty of the common council, in their annual levy of taxes, to make such levy as, in their judgement, shall be necessary and advisable ; and the amount so levied shall be collected and placed to the credit of the board of public works, and shall not be used for any other purpose, but shall remain as a separate fund in the hands of the treasurer.

§ 162. That when the said board shall deem it advisable to make a contract for the execution of any work, or purchase of any supplies or material for any matter under its charge, it shall cause to be made a careful estimate of the cost of such work or material. In all cases where the estimated cost of any expenditure exceeds five hundred dollars, the board shall transmit to the common council, with its recommendations, an ordinance authorizing the said expenditure, with an estimate of the cost. Upon the passage of such ordinance, it shall be the duty of the board to advertise and let the contract to the lowest responsible bidder.

§ 163. All contracts of the board shall be made in the name of the city, and shall be executed in behalf of the city by the mayor under the seal of the corporation, and attested by the city clerk, and filed with the records of the board.

§ 164. That no member of the board, or other person, whether in the employ of the board or otherwise, shall have the power to create any liability on account of the board or fund under its control, except by express authority of the board conferred at a meeting duly and regularly convened.

§ 165. If, at any time, it shall appear, in the judgment of the board, that the levy made by the common council for the current or ensuing year, for the use of the department of public works, is insufficient for properly conducting the affairs of the city, and for the constructing of such improvements and repairs as are committed to said board, and consistent with the health, comfort and convenience of the inhabitants of the city, they shall so report to the common council, furnishing at the same time an estimate of such deficiency, on receipt of which it shall be lawful for the said council, in their discretion, to make such additional appropriations, and proceed to make a special levy upon the taxable property of the city, but not to exceed the limit provided by this act.

§ 166. Any contract made in violation of the provisions of this act shall be void, and no money shall at any time be paid to any

person claiming under a contract with the board of public works until such person shall have first filed with the board his statement in writing, and under oath disclosing the names of all persons directly or indirectly interested in the contract, or the proceeds or the profits thereof, declaring that no person other than those named are interested, and that no person forbidden by this act has any interest in same.

§ 167. When in the opinion of the board it shall become necessary in the prosecution of any work to make alterations or modifications in the specifications or plans of a contract, such alterations or modifications shall only be made by order of the board, and such order shall be of no effect until the price to be paid for same shall have been agreed upon in writing and signed by the contractor, and approved by the board. The total cost of the work, with the addition of the price so agreed upon, shall not exceed the original estimate.

§ 168. No contractor shall be allowed any thing for extra work caused by an alteration or modification unless an order is made and agreement signed as provided in the preceding section, nor shall he in any case be allowed more for such alteration or modification than the price fixed by such agreement.

§ 169. The board of public works shall employ a competent engineer, who shall be styled the city engineer. He shall keep an office in said city, and see that all public works and improvements are executed according to contract plans and specifications, and certify to same.

§ 170. The board of public works shall have charge of all expenditures for paupers, and shall employ a competent physician for same, who shall keep an office in the city, and be known as the city physician.

STREETS.

§ 171. The common council shall have power to pass ordinances to require the improvement of streets and alleys, subject to the mode and manner herein designated, either by grading and paving, or by grading, paving and macadamizing, or graveling, guttering, curbing and paving, or planking of side-walk, any portion thereof, not less in length than one block, or the whole of any street or alley now established, or which hereafter may be established, or by guttering, curbing, paving and grading any number of feet, not less than a block, upon either or both sides of any street where the same shall be necessary to complete such class of improvement on any square or street, or by grading, paving, curbing or guttering of one side of any street where the other side of such street has been improved theretofore, or the reconstruction or repairing of the sidewalks, by recurbing, reguttering or repaving on any or all streets, at the cost of the owner or owners of the ground fronting such improvement; and the cost of such improvement to be apportioned according to the number of feet front each may own in

front of said improvement; and a lien is hereby created on the said ground for the cost thereof. All of which improvements, when required to be made, the common council shall order done by the passage of an ordinance for that purpose, which shall fully declare and prescribe the kind and extent of improvement to be made. That the common council may require, by ordinance, the improvement of any street or alley simply by grading or graveling or macadamizing, or may require, by ordinance, the whole of any street to be improved by grading, graveling or macadamizing, guttering, curbing and paving or planking the sidewalk, the whole or any part, not less than one block of any street.

§ 172. Upon the passage of any ordinance requiring the improvement of streets or alleys, or parts thereof, it shall be the duty of the mayor to enter into a contract with any person or persons offering or agreeing to do the work required to be done by such ordinance, upon the best and most advantageous terms; and to enable him to do this he shall advertise the letting of such work, in some newspaper published in said city, for at least ten days, for sealed proposals for the doing of said work, and report such contract, in writing, as he may be able to effect to the common council for its acceptance or rejection. All contracts thus made with the mayor and the person or persons proposing to do the work shall not be binding until ratified by the common council; and the common council shall require of such contractor or contractors bond, with good security, to be approved by the common council, conditioned for the faithful performance of said contract.

§ 173. The work contracted to be done shall be performed under the supervision of the mayor and engineer, and subject to the acceptance of the common council; and it shall be the duty of the engineer to make out and report to the common council complete and accurate estimates and apportionments of the cost of said work and improvements against the owners of property liable to pay the same, designating each one's respective liability.

§ 174. When the common council shall have passed an ordinance requiring said improvements to be made, and when a contract in pursuance to such ordinance shall be executed and ratified as aforesaid, and the common council shall have received the report of the engineer estimating and apportioning the cost of the work, and, by order or resolution, shall have received said work as done according to contract, then the liability of the owners of the property chargeable with the cost of said work shall be fixed, and there shall be a lien on the property for same.

§ 175. The liens given for the purposes named in the last four sections may be enforced by filing a petition in equity in favor of the contractor or his assignee, against any or all the persons liable for the cost of said work, and it shall only be necessary

for the plaintiff in the action to file a copy of the ordinance of the common council requiring the work to be done, a copy of the contract for doing the same, a copy of the engineer's report showing the respective liability of each person sued, a copy of the order or each resolution of the common council receiving the work as done according to the contract, which shall be, together with the corresponding allegations in the petition, *prima facie* evidence of the plaintiff's right of recovery, and in such cases the defendant shall not be allowed to make the defense that the work was not done according to contract, as against said plaintiff in the action; and it shall be lawful for the court hearing the case to adjudge a sale of so much of the lot or lots of each person as will pay his or her part of the cost, according to the estimate of the engineer against him or her; and for his cost of the suit, and the court confirming the sale made under such judgment, shall direct that the property may be redeemed at any time within one year of the day of sale by the owner or lot or lots paying the amount for which the same may have been sold, and interest thereon at the rate of ten per centum per annum, together with all taxes and levies made upon such property which the purchaser may have paid or become liable subsequent to the sale thereof; and if not redeemed within the time specified, the sale shall be final, and after the time of redemption shall have expired, the court shall cause a conveyance to be made to the purchaser by the commissioner. The plaintiff may have a personal judgment against the defendant liable to the cost of said work, and have execution thereon; but if the execution issue, then no sale of lot or lots shall be made by the commissioner until the execution shall be returned, and then for the satisfaction of such sum only as shall appear to be unsatisfied by the return on the execution.

§ 176. The cost of any improvement to the owners of the property, ordered to be made at the cost of owners of lots, shall, in no case, exceed one-half the value of the lot or lots in front of which said improvements shall be made; and for the purpose of ascertaining the value of lots in front of which the street is proposed to be improved, the common council shall, on motion of any owner of a lot who alleges that the proposed improvements will cost more than one half the value of the lot, appoint one person, and the said owner shall name one person, and the two so selected shall choose a third person, and the three persons thus selected, after being sworn, shall value the lot or lots in front of which the improvement is proposed to be made, and the valuation shall be made before the improvement is made, and the property shall be valued in its unimproved state; and if the cost shall exceed one-half the value of the property, then the city shall pay to the contractors the excess over the one-half the value of the property.

§ 177. All the improvements of the streets ordered to be made at the expense of the property-owners shall, to the

extent made, and when paid for, exempt said property-owners from any special liability thereafter for the cost of keeping said improvements in repair, except in cases of repairing or reconstructing sidewalks, curbs and gutters. The mayor shall have power and authority to notify owners of lots fronting the same to make repairs upon sidewalks, in any case where the cost of such repairs of sidewalks shall not exceed ten dollars, in front of any one owner's lot; and in case such owner shall not, within five days after he or she has notice of such sidewalk being out of repair, repair the same, the mayor is authorized to have the same done at the cost of the owner, which repairs, if not paid by the owner, shall be paid by the city, and shall be a lien upon the lot for the payment thereof, and the city shall have the same remedies for the collection thereof, with cost of suit, that are given in cases for improving streets to the contractor.

§ 178. In all cases of the improvement of the streets and gutters, curbs and paving sidewalks, the improvement of the intersections thereof shall be paid by the city.

§ 179. The common council shall have power to cause to be graded, constructed, reconstructed, paved, or otherwise improved and repaired, all streets, sidewalks, alleys and public ways, or parts thereof, within the city of such material and in such manner and under such regulation as shall be provided by ordinance, and may, in their discretion, provide for the payment of the cost of same, or any part thereof, out of the city treasury: *Provided*, The ordinances and contracts for such work shall specify how the work shall be paid for.

§ 180. That on the trial in equity of any case relating to the improvement of any street, alley, sidewalk, or other public highway, or any part thereof, the court trying the case shall have the right to correct any mistake or error of the city engineer's in estimating and apportioning the cost of such improvement among lot-owners, or any mistake or error of the common council relating to such improvement, so as to do complete justice to all parties.

§ 181. That where any part of any street, alley, sidewalk, or other public highway, has been improved in any block, leaving a part unimproved, the common council is vested with power by ordinance to improve the unimproved parts of such block in such manner and with such material as the common council may think proper.

ELECTIONS.

§ 182. All popular elections and registrations for same shall be held under the general election and registration laws of the State, and as therein provided.

§ 183. All officers, elective by popular vote under this charter, shall be elected at the regular election in November, 1893, and thereafter as their terms shall expire or their offices become vacant.

JUDICIAL DEPARTMENT—POLICE JUDGE.

§ 184. The judicial authority, except as otherwise herein provided, shall be vested in a magistrate, who shall be styled the police judge.

§ 185. The police judge shall be elected by the qualified voters of the city for a term of four years, and shall enter upon the discharge of the duties of his office on the first Monday in December next after his election, and shall hold until his successor is elected and qualified. The police judge elected in November, 1893, shall not enter upon the discharge of the duties of his office until the first day of September, 1894.

§ 186. No person shall be eligible to the office of police judge who, at the time of his election, is under twenty-four years of age, and who is not a qualified voter in said city, and who has not been an actual resident thereof two years next preceding his election, and who has not been a licensed practicing lawyer two years next before his election.

§ 187. The police judge shall be the presiding officer of the police court of the city, and shall be a peace officer, with the same power and authority to administer oaths, issue process, admit to bail, take recognizances, hold examining courts, preserve order, make arrests, and punish for contempt, conferred by law on justices of the peace.

§ 188. He shall be paid an annual salary of six hundred dollars, payable monthly out of the city treasury; but the same may be increased by ordinance, but not during his term of office.

POLICE COURT.

§ 189. A police court is hereby established in each city of the third class, to be held daily, except Sundays, in a suitable room to be provided at the expense of the city.

§ 190. Said court shall be a court of record, and all record-books and blanks necessary therefor shall be provided at the expense of the city.

§ 191. The police court shall have exclusive jurisdiction of all prosecutions for violations of the ordinances or by laws of the city occurring within the corporate limits of the city, and the offender may be summoned or arrested in the city or elsewhere. It shall also have the concurrent jurisdiction with the justices of the peace of all violations of the laws of the Commonwealth occurring within the corporate limits of the city, and the offender may be summoned or arrested in the city or elsewhere. It shall also have jurisdiction to try and adjudge forfeitures on all bails and recognizances entered into or deposited in prosecutions pending in said court. All prosecutions for violation of the ordinances or by-laws of the city occurring outside of the corporate limits of the city, may be prosecuted in the name of the city, and for its benefit, in the police court, or in any court of competent jurisdiction.

§ 192. All prosecutions in said court for violations of ordinances and by-laws shall be by warrant or summons in the name of the city, and all others in the name of the Commonwealth for the benefit of the city, and all fines or forfeitures recovered in said court shall, when collected, be paid into the treasury of the city for the use and benefit of the general revenue fund of the city, except thirty per cent. of same, which shall be for the benefit of the prosecuting attorney of the police court.

§ 193. The judge of the police court shall be the clerk of his own court, and shall tax as cost for his services the same fees allowed by law to justices of the peace in penal cases; but his cost shall be for the benefit of the city, and shall, when collected, be paid into the city treasury for the use and benefit of the general revenue fund of the city. He shall also be the custodian of the records of his court, and copies of same, duly attested by him, shall be competent evidence in all courts.

§ 194. The police court may act as an examining court, as justices of the peace or judge of the county court are or may be authorized to act; and when so acting the presiding judge of same shall be allowed the same fees, to be paid in the same way, and they shall be in addition to the salary paid him by the city.

§ 195. In all cases prosecuted in the police court the defendant shall stand committed to the city prison until the fine and costs are paid or replevied, not to exceed, however, one day for each dollar of said fine and costs, and may by ordinance be required to work in the city work-house or on the streets or alleys, or any public work of the city, until said fine and costs are satisfied, at the rate of one dollar per day. Persons sentenced to imprisonment may be required to work in the same way during the period of imprisonment.

§ 196. The common council may fix any penalty in their discretion for violations of ordinances and by-laws of the city, that may be imposed without the intervention of a grand jury and the finding of an indictment, but in no case shall it be less than that imposed by statute for the same offense.

§ 197. In all prosecutions in the police court where the punishment may be imprisonment, or where the fine may be over fifty dollars, the city or the defendant may demand a jury. In all such cases the jury shall consist of six persons.

§ 198. In prosecutions and proceedings in the police court, and in appeals therefrom, the city shall not be liable for costs unless the same be collected in money and paid into the city treasury.

§ 199. All appeals from the police court shall be taken within sixty days from the rendition of the judgment, and shall be directly to the circuit court of the county, and taken in the same way that appeals are taken from the quarterly courts to the circuit courts, as provided by law in penal cases. The defendant may appeal in any case where the judgment is for a fine of twenty-five dollars or over, or imprisonment. The city

may appeal in any case where the punishment might have been a fine of twenty-five dollars or over, or imprisonment. No bond shall be required of the city on an appeal.

§ 200. All capiases and executions from the police court, or on appeals therefrom, shall be directed to, and placed in the hands of, the city marshal, and all money collected on the same, including costs and commissions, shall be by the marshal immediately paid into the city treasury, and the treasurer's receipt taken for same, and upon the monthly settlement with the marshal the auditor shall charge the treasurer with the amount of said receipts, and the council shall make an order allowing the marshal or other officer anything he may be entitled to as costs or commissions, and to the prosecuting attorney his commissions.

GENERAL PROVISIONS.

§ 201. The boundary of all cities of the third class, which may be situated on the Ohio river, shall extend to the low water-mark on the Ohio, Indiana or Illinois shore.

§ 202. All cities included in this act shall have and exercise the right and power of eminent domain in all cases where it may be necessary to acquire real estate for public purposes, or to protect the city against public nuisance, the proceedings to be the same as in cases for the right of way by railroads, under the general law. In all cases where real estate is so acquired, a fee-simple title shall vest in the city.

§ 203. No license authorized to be issued by the council shall be issued for a longer period than one year, and all licenses shall expire on the 30th day of April in each year.

§ 204. All contracts and obligations of the city shall be signed on behalf of the city by the mayor, under the corporate seal of the city, and be attested by the city clerk.

§ 205. Any stock owned or held by the city in any corporation shall, in all stockholders' meetings, be voted by the mayor under the direction of the common council.

§ 206. All appointees to fill temporary vacancies shall be paid at the same rate as the regular incumbents, and when the appointment is made necessary by the willful neglect of duty or misconduct of the regular incumbent, his pay shall be deducted from that of the regular incumbent.

§ 207. In any case where one elected or appointed to an office fails for thirty days to qualify, the office shall be considered vacant.

§ 208. At each regular meeting of the council the proceedings of the previous regular meeting, and any intervening special meeting or meetings, shall be publicly read, corrected, approved, and signed by the presiding officer and attested by the clerk.

§ 209. Before any officer enters upon the discharge of the duties of his office he shall take the oath prescribed by section 228 of the Constitution.

§ 210. All ordinances shall be recorded by the city clerk in a separate book, to be kept by him for the purpose, and properly indexed.

§ 211. All officers, agents or employes elected, appointed or employed by the council may be removed by the council at pleasure.

§ 212. If any officer, after his election, shall incur any disqualification, or do any act that would have rendered him ineligible if done or existing at the time of his election, his office shall be considered vacant.

§ 213. The council shall have the right to require any officer, agent or appointee of the city to execute bond and prescribe the form, terms and conditions of same, and to require him at any time to give additional security, and upon his failure to comply, his office shall be considered vacant.

§ 214. Every official bond shall be approved by the council, attested by the clerk, and executed on forms bound in a book, to be kept by the city clerk.

§ 215. All process, except as otherwise provided herein, shall run in the name of the city, and shall be directed to and executed by any officer authorized by law to execute same.

§ 216. Except as herein otherwise provided, any officer of the city, whether elected or appointed, may be impeached and removed from office by the common council, by a three-fourths vote of all the members elected, the ayes and nays being called and entered upon the journal, for incompetency, inefficiency, neglect of duty, or misconduct in office. The method of procedure shall be prescribed by ordinance.

§ 217. All the records of the city shall be public records, and at all reasonable times open for inspection by the public, and copies of same, attested by the lawful custodian, shall be competent evidence in all courts.

§ 218. This act shall be a public act, and be judicially noticed and liberally construed by the courts, and all previous charters of the cities embraced herein, and all amendments thereto, are hereby repealed.

§ 219. All ordinances and by-laws heretofore enacted, and now in force in any of said cities, not in conflict herewith, are hereby continued in force until repealed by proper authority.

§ 220. All ordinances, regulations and resolutions in force at the time this law takes effect, and not inconsistent with the provisions thereof, shall remain and be in force until altered, modified or repealed by the council.

§ 221. The repeal of any law by the provisions of this law shall not in anywise be so construed as to affect any right or liability acquired or accrued thereunder by or on the part of the city, or any person or body corporate. This law shall not in any manner affect any right, lien or liability accrued, established or subsisting under and by virtue of previous charters or amendments thereto, or ordinances passed there-

under; but such right, lien or liability shall be enforced, and such action or proceeding shall be carried on, in all respects as if this law had not taken effect; nor shall this law be in anywise so construed as to affect the right or liability acquired or accrued under previous charters or amendments thereto, or ordinance passed thereunder, on the part of the city or any persons or body-corporate.

§ 222. All ordinances for the opening of any street or alley, on which proceedings or work have not commenced, are hereby repealed; but all such ordinances upon which proceedings and work have actually commenced shall be concluded under the law in force when it was commenced.

§ 223. All persons in office in the city at the time this law takes effect shall hold their offices until their term of office shall have expired, or until their successors are elected and qualified.

§ 224. There shall be maintained a system of public schools, at which all the children residing in the city between the ages of six and twenty years may be taught at the public expense. Said school shall be under the control of a board to be styled "The Board of Education," consisting of two trustees from each ward in the city, to be elected at the general November election in 1893, by the qualified voters of the city at large. The trustees so elected shall hold their offices one-half for two years and one-half for four years, as shall be determined by lot at the first regular meeting after the election. And at the general election, every two years thereafter, there shall be elected by the qualified voters of the city at large one trustee from each ward in the city in which the term of his predecessor in office will then expire. Said trustees shall possess the same qualifications as are required for councilman. Said board of education shall continue, and it is hereby declared, a body-politic and corporate, under the name and style of board of education, with perpetual succession, and by that name may contract and be contracted with; sue and be sued; have and use a corporate seal, the same to renew or alter at pleasure; may purchase, receive, hold, lease, sell and dispose of real and personal estate for public school purposes. The control and management of the public schools of the city, and the property and funds thereunto belonging, shall be, and is hereby, vested in said board, subject to the provisions of this law. It shall have power to make by-laws and rules, not in conflict herewith, necessary for the discharge of its duties and the government of its proceedings. It shall meet once in each month, or oftener if necessary, and a majority elect of said board shall constitute a quorum for the transaction of business and for the appropriation of money or the execution of a contract. The concurrence of two-thirds of the members elect of said board shall be indispensable, and the yeas and nays shall be entered of record. The meetings of said board shall be held in some public place, and a correct record of its proceedings shall be kept in a book provided for that purpose, which shall be a public record.

§ 225. Said board of education shall determine the qualification of its members. It shall have the power to fill, until the next general election, all vacancies in said board occasioned by death, removal or other cause.

§ 226 All property now used for public school purposes in the city, or which may at any time be owned by the board of education, and all the funds or means that are now or may hereafter come under the control of the same, are hereby forever dedicated to the use of public schools of the city, and the title to all property, real and personal, in the city, known and used as public school property, is hereby vested in said corporation.

§ 227. Said board of education shall have power to elect or appoint such officers as may be necessary for its own government, and to require covenant with surety from any or all officers for the faithful discharge of their duties; to make by-laws not in conflict with this charter, the Constitution or laws of this State, for the carrying out the duties of their office, and for the government of its own officers, schools, teachers, pupils and employes; to determine its own rules of proceedings, and to appoint superintendents, teachers, and other officers and employes, and regulate and fix their terms, duties and compensation, and suspend or remove them or any of them for cause. Said board, by and with the concurrence of the common council, may purchase, build or rent any ground, building or buildings, necessary or convenient for the public school purposes, and may make contract to that end; and any property so leased, purchased or otherwise occupied, may be reserved by terms, deed or lease to the public schools of the city, and if so reserved, shall not be liable for any debt or debts of the city not incurred for public school purposes. Said board may also receive and hold, for public school purposes, any gift or devise.

§ 228. That said board of education shall have the power, two-thirds of the trustees in office concurring therein, to be evidenced upon the call of the yeas and nays, and recorded upon the journal of its proceedings, by and with the concurrence of the common council, to sell and convey such of said school property for the purpose of reinvesting all the net proceeds of the same in the purchase of other lots, and building thereon other school buildings. And said board of education shall have no power to divert or apply said fund or any part of it to any other purpose whatsoever than for the purchase of grounds and the buildings thereon, school buildings for public school purposes, and if it do so, the same shall be malfeasance in office.

§ 229. Said board of education shall have the power to select text-books for use in said school, and prescribe the course of study, and it shall also have power to hold examinations, determine the qualifications of its superintendent, principals, teachers, and issue certificate to same. It may establish high schools and fix the grade of public schools, and prescribe the rules by which pupils may pass from one grade to another, and

from the graded school to the high school. It may also establish and maintain kindergartens and manual training schools in connection with the public school.

§ 230. Said board shall, at the end of each scholastic year, prepare, and cause to be published, a printed statement, showing the number of pupils in each school, with the general condition and educational progress made therein, the amount, character and condition of all funds and other property belonging to said schools, together with such information as may be proper or necessary for the benefit of said schools and the general public.

§ 231. Said board shall, within thirty days prior to the time prescribed for the levy to be made in the charter of cities of the third class, approximately ascertain the amount of money necessary to be used to defray the expenses of maintaining the schools, improving or constructing buildings, etc., thereof, and any liquidation of the liabilities during the current fiscal year, and report the same, together with the estimated amount to be received from the common school fund of the State, interest on bonds, endowments, etc., to the city auditor or clerk, who shall thereupon report the same to the general council, and the said general council shall make the necessary levy, and collect the tax to provide suitable school buildings, and to defray the general expenses necessary for school purposes: *Provided*, That the levy for any one year shall not exceed 50 cents on each \$100 of value of taxable property in the city as returned by the board of equalization. Said tax shall be paid to the board or authorized agent of same as fast as collected.

§ 232. Said board of education shall provide and maintain, out of the funds levied or otherwise provided for the purpose, suitable buildings, teachers, and other employes, sufficient for the education of all children of the city between six and twenty years of age, and shall provide separate buildings and schools for the education of white and black pupils; and no white child shall be allowed to attend any colored school, nor shall any colored child be allowed to attend any white school.

§ 233. The trustees shall, before entering upon the duties of their office, take the oath, or make affirmation, as prescribed by law.

§ 234. No member of the board of education shall be or become, directly or indirectly, interested in any contract, agreement or trade, touching the building of school-houses, repairing of school property, or use his official position to secure the patronage of the teachers or employes of the schools. No member of the board of education shall receive any salary for his services as such.

§ 235. Said board of education shall elect its own treasurer and fix bond of same, who shall keep a distinct account of all moneys belonging unto, or which may hereafter be dedicated to, or set apart for, public schools, and shall only pay out or deliver

any of said funds upon the warrant of the board of education, countersigned by the secretary and approved by the president of the board of education, and shall perform such other duties as may be prescribed by said board.

§ 236. Said board of education shall have exclusive control of all school funds of the city, from whatever source the same may be derived, including the pro rata of the city from the common school fund of the State. It shall have the right to receive all fines, forfeitures and taxes that may inure to the benefit of the public schools of the city. It shall have power to expend all moneys in the interest of the public schools of the city, and the warrants of the board of education, countersigned by the secretary and approved by the president of the board, shall be honored by the treasurer to the amount of the school funds in his custody.

§ 237. All indebtedness, bonded or otherwise, and all liabilities and contracts of the school board, existing at the time this law takes effect, and all taxes, funds, sinking funds or other resources that have been pledged or set apart for the payment of the principal and interest thereof, shall continue unimpaired and remain of the same force and effect as though the same had been authorized and contracted by the express provision of this law.

§ 238. No money shall be drawn from the funds, unless the same shall have been appropriated by order of the board of education, and no appropriation of money shall be made to be paid out of said school funds, unless the money shall actually be in the treasury to meet the draft.

§ 239. Said board of education shall elect from its own number a president, for the term of two years, and may prescribe who shall preside in his absence, and make all necessary rules, prescribing the duties of the presiding officer and the government of itself; and said board shall also elect a secretary, at a salary not exceeding one hundred dollars per annum, whose duty it shall be to keep a record of the proceedings of all regular and special meetings, countersign all warrants and contracts, and whose term of office shall be two years.

§ 240. Said board of education shall have the power and right to establish and maintain a public school library, out of any funds coming into its hands, except that received by taxation, or from the State funds, and also to purchase text-books for indigent children of the city, and to otherwise expend such moneys in the interest of the public schools. Said board of education shall have the power and right to make rules and regulations governing said school library.

§ 241. Said board shall have power to admit to said school pupils from beyond the limits of the city, and may collect therefrom tuition fees for the benefit of the schools of the city, making deduction of taxes for school purposes on property in said city paid by parents of said children; and no children of per-

sons residing beyond said limits shall be admitted as pupils in any of said schools except on payment of such tuition fees as said board may require.

§ 242. For the reason that cities of the third class, in the operation of their government, need at once some of the provisions of this act, and owing to the manner of elections, an emergency is declared to exist, and this act shall take effect from its approval by the Governor.

The amendments proposed thereto by the committee are as follows:

Amend section 18 by adding thereto the following, viz: *Provided, however,* That all ordinances requiring the improvement of streets and alleys or the construction of sewers, or fixing salaries, or prescribing penalties, or fixing the rate of taxation, or amount of licenses, or appropriating money when the amount appropriated is in excess of one hundred dollars, shall on each passage receive the votes of two-thirds of all the councilmen then elected, the yeas and nays being called and entered on the journal.

Substitute for section 26:

§ —. Whenever it is deemed desirable to annex any territory to any city of this class, or to reduce the boundaries thereof, the city council thereof may enact an ordinance defining accurately the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least ten issues of the daily paper published in, and having the largest circulation in, the city; or if there be no daily paper published in the city, then in at least four issues of a weekly paper published in, and having the largest circulation in, the city; or if there be no daily or weekly paper published in the city, then by posting copies of the ordinance for at least ten days in four of the most public places in the city. In not less than thirty days after the enactment of such ordinance, if the publication, or notice, as herein provided, has been made or given, and no petition is filed in the circuit court, as provided in the next section, the city council may, by ordinance, annex to the city the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be, and upon the enactment of such ordinance such territory shall become a part of such city, or shall be stricken therefrom. Within thirty days after the enactment of an ordinance proposing to annex territory to any city, or to reduce the limits thereof, one or more residents or freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, setting fourth the reasons why such territory, or any part thereof, should not be annexed, or why the limits should not be reduced. Summons shall issue thereon and be executed upon the mayor, or if he is absent, upon the members of the

council, and the answer of the city shall be filed within twenty days after service of summons. The case shall be tried according to the rules and practice prescribed for the trial of equity causes, but without the intervention of a jury. If the court be satisfied, upon the hearing, that less than seventy-five per cent. of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory to the city will be of interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, it shall so find, and said annexation or reduction shall be approved and become final. If the court shall be satisfied that seventy-five per cent. or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, then such annexation or reduction shall not take place, unless the court shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such city, and of the owners and inhabitants of the territory sought to be annexed or stricken off. In case the court shall so find, the annexation or reduction shall take place, notwithstanding the remonstrance. There shall be no appeal from the judgment of the court, and there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court be adverse to the annexation or reduction, no further effort to annex or strike off such territory shall be made within two years after the rendition of such judgment. The judgment shall, when entered, be certified to the city council, who may thereupon annex to, or strike from, the city the territory described in the judgment, and such territory shall become, or cease to become, as the case may be, a part of the city. If any city be annexed to another, the city so annexing the territory of another shall be bound for all debts and liabilities, and shall be the owner of all the corporate property, franchises and rights of such municipal corporation.

Strike out subsection 11 of section 29, and insert in lieu thereof the following:

Each city shall raise a revenue from ad valorem taxes, and a poll-tax and license fees, and to that end the common council of each city is hereby authorized and empowered to provide each year, by ordinance, for the assessment of all real and personal estate within the corporate limits thereof, subject to taxation for State purposes, and shall levy an ad valorem tax on same, not exceeding the rate and limit prescribed in the Constitution, and for school purposes not exceeding fifty cents on each one hundred dollars of taxable property therein, or such portion of the poll tax or license fees as the council may designate, to levy a poll-tax not exceeding one dollar and fifty cents on each adult male inhabitant thereof, and may impose license fees on stock used for breeding purposes, on franchises, trades, occupations and professions, and provide for the collection thereof. All taxes and license fees shall be levied or imposed by ordinance,

and the purpose or purposes for which the same are levied or imposed shall be specified therein, and the revenue therefrom shall be expended for no other purpose than that for which it is collected.

Strike out section 133, and substitute the following :

No error or irregularity in the assessment of property shall invalidate the assessment, or any proceeding under same. Where any property has not heretofore been assessed for taxation, or where same has been irregularly or improperly assessed, or where notice of the time and place of the meeting of the board of supervisors of tax has not heretofore been properly or regularly given, said city is authorized to pass an ordinance directing the assessment of such property and making correction in any assessment irregularly or improperly made, and giving notice of the place and time of the meeting of any board of tax supervisors so that any tax-payer may appear before same. The object of this section is to insure the collection of any unpaid taxes ; and for that purpose any of said cities may, if it deems it necessary, appoint a special board of tax supervisors, whose duty it shall be to assess for taxation any omitted property or to correct any improper or irregular assessment or to hear any complaints as to the assessment or value of any property upon which the taxes have not been paid. Where any property is assessed or any assessment corrected, or where any tax-payer has the opportunity of being heard for previous years, the tax rate and levies and liens for such years shall apply, and the provisions of this section shall not extend back for more than five years.

Insert the following as additional section between sections 223 and 224 :

When the population of any city in this class, as ascertained by the last Federal census or by a census taken pursuant to an ordinance of said city, authorizes it to be placed in a class other than that in which it is, the council of such city may enact an ordinance setting forth the population of the city, and how ascertained, the class it is then in, and the class which it is entitled to be in, and may file a petition in the circuit clerk's office of the county, declaring the facts with reference to its population and the class it desires to become a member of, and such other facts as may be thought proper, and shall file with such petition a copy of the ordinance, and shall cause notice of the filing of such petition and the object thereof to be published in at least six issues of a daily or two issues of a weekly paper of general circulation, published in the city, or in the county if none be published in the city ; or if no paper be published in the city or county, by notices posted up for at least ten days, at four public places in said city. On the second day of the next regular term of court, the court shall, if the proper notice has been given or publication made, and no defense is interposed,

enter a judgment assigning such city to the class to which it belongs, as appears from the petition and exhibits, and thereafter such city shall be governed by and under the general laws relating to the class to which it has been assigned; but the transfer from one class to another shall not in anywise impair or affect any ordinance or by-law theretofore enacted by such city, unless the same is in conflict with the general laws relating to cities of the class to which it has been assigned, and to such extent only shall any ordinance or by-law be repealed by the transfer, nor shall the powers, rights, duties or obligations of the city, or any officer or employe thereof, or any debtor or creditor of the city, be in anywise affected by the transfer. Defense may be made to the petition by any inhabitant of the city, and if defense is made, the court shall hear and determine the same, and render a judgment transferring or refusing to transfer the city to another class, as may seem proper. The pleadings and practice shall be the same as in equity cases, except as herein provided; but if the court shall be satisfied that the population of the city entitles it to be transferred to another class it shall so adjudge, if the proper notice or publication has been made; and no appeal shall lie from the judgment.

Strike out in line 5, section 117, the words "treasurer or."

Make comma after word bills, line 6, section 130, and make small "a" in word "also."

Strike out section 132, and insert in lieu thereof the following: "The fiscal year shall commence on the first day of June."

Amend section 185 by adding thereto the words "and hold office until his successor is elected and qualified in 1897."

Strike out section 219.

Strike out section 222.

Amend section 224, in lines 25 and 26, by placing after the word "business," in line 25, a semicolon, and a comma after the word "contract," in line 26, and change capital "T" to small "t" in the word "the."

Amend section 101 by striking out the words "eighteen hundred and ninety-four" and adding thereto the words "after his election."

Add by inserting as section 241½: "No section of this charter shall be so construed as to repeal in anywise any special act or amendment thereto heretofore passed for any city of the third class for the establishment, maintaining and carrying on of a high school."

Add the word "schools" as the title to all sections on that subject, beginning with section 224.

Said amendments were all agreed to.

Mr. Pettit offered the following amendment by way of an additional section, to follow immediately after section 134, viz :

§ 134. That the president and directors and the secretary and treasurer of every corporation or company now engaged or hereafter engaging in the manufacture or delivery of gas, water and electric light to consumers in any of the cities of this class (other than those owned and operated by the cities themselves), between the first and tenth days of July, 1893, and every second year thereafter, make a statement in detail, which shall be sworn to by each of said officers, of the actual *bona fide* cost of the construction of plants, grounds, pipes, wires, rights of way, and the cost of all permanent improvements thereon, including the actual cost of operating the same, on the 1st day of July, 1893, and on the 1st day of July of every second year thereafter. Said report shall also include the name and residence, or post-office address, of all the stockholders of said company or corporation, and the amount of stock held by each stockholder. One copy of each statement of said company or corporation shall be delivered to the mayor, and filed in the office of the city clerk, and recorded in a "well" bound book kept for that purpose, which shall at all times be kept open for the inspection of the public. If such statements shall contain any untrue, or false or fraudulent statement touching the actual *bona fide* cost of the construction of the plant of said companies or corporations, including land, machinery, pipes, wires, actual cost of operating, and permanent improvements made thereon, and the amount of the capital stock thereof, then each of the persons making and subscribing said statement, or concurred in aiding or procuring the same, shall be guilty of a felony, and, on their conviction, shall be fined not less than \$100 nor more than \$500, and confined in the penitentiary not less than one nor more than five years. That it shall be unlawful for said companies or corporations furnishing gas, water or electric lights to consumers in such cities to charge therefor a price that will produce an income exceeding ten per centum per annum on the actual *bona fide* cost of the plant of said companies or corporations and the improvements thereon, and actual cost of operating the same, and any company or corporation willfully violating this provision, or failing to make report required, shall be deemed guilty of a misdemeanor, and fined in a sum not less than \$1,000 nor more than \$5,000 for each offense.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and Quigley, were as follows, viz :

Those who voted in the affirmative, were—

B. T. Birkhead,
J. S. Cullen,

R. M. Kincheloe,
W. F. Peak,

Thos. S. Pettit,
J. F. Porter—6.

Those who voted in the negative, were—

Mr. Speaker (Moore),	E. M. Dickson,	Eli Nicholls,
Lewis Alexander, Sr.,	D. B. Edmiston,	J. P. O'Meara,
W. W. Ayres,	McD. Ferguson,	E. M. Pryse,
W. S. Bailey,	J. M. Frazee,	A. T. Pullen,
Posey D. Ball,	Wm. Garrison,	I. M. Quigley,
John Bartman,	J. P. Gay,	C. D. Reed,
John T. Bashaw,	Thos. H. Hanks,	R. E. Roberts,
W. P. Beard,	A. L. Harned,	John Ryan,
B. F. Bennett,	H. K. Hay,	Waller Sharp,
John Botts,	P. R. Hays,	S. H. Shouse,
P. S. Bruner,	F. W. Hutcheson,	C. C. Spalding,
Polk Cansler,	Daniel James,	J. R. Summers,
A. J. Carroll,	W. W. Johnson,	J. R. Thomas,
B. E. Caudill,	Henry Kremer,	John M. Tinsley,
L. J. Cox,	William Krieger,	D. W. Tribble,
W. J. Cox,	Lewis Y. Leavell,	N. S. Walton,
J. M. Dawson, Jr.,	W. H. May,	John D. Woods—53.
James R. Dean,	Hiram McElroy,	

Mr. J. R. Thomas offered an amendment as follows, viz :

Amend section 104 by striking out all after "city," in line 1, and down to and including "city," in line 2.

Said amendment was agreed to.

Mr. Pettit offered an amendment as follows, viz :

Amend section 186 by striking out all after the word "election," in line 4.

Said amendment was agreed to.

Mr. Pettit offered an amendment as follows :

Add to section 188 the following, viz : "Whenever *pro tem.* officials serve in place of regular officials under this act, the salaries of such officials shall be deducted from the pay of said regular official."

Said amendment was disagreed to.

Mr. Pettit offered an amendment as follows, viz :

Strike out of line 10, section 227, the words, "by and with the concurrence of the common council." And strike out of lines 3 and 4 of section 228 the words "by and with the concurrence of the common council."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and Quigley, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	Wm. Garrison,	J. F. Porter,
B. F. Bennett,	J. C. Glenn,	I. M. Quigley,

B. T. Birkhead,	R. M. Kincheloe,	C. D. Reed,
P. S. Bruner,	William Krieger,	John Ryan,
J. S. Cullen,	C. W. Mathers,	W. R. Stewart,
J. M. Dawson, Jr.,	Thos. S. Pettit,	J. R. Thomas—18.

Those who voted in the negative, were—

Lewis Alexander, Sr.,	James R. Dean,	W. W. Johnson,
W. S. Bailey,	E. M. Dickson,	Lewis Y. Leavell,
Posey D. Ball,	D. B. Edmiston,	Eli Nicholls,
John Bartman,	McD. Ferguson,	J. P. O'Meara,
John T. Bashaw,	J. M. Frazee,	E. M. Pryse,
W. P. Beard,	J. P. Gay,	A. T. Pullen,
John Botts,	S. M. Gough,	R. E. Roberts,
Polk Cansler,	A. L. Harned,	S. H. Shouse,
A. J. Carroll,	H. K. Hay,	C. C. Spalding,
B. E. Caudill,	P. R. Hays,	John M. Tinsley,
L. J. Cox,	F. W. Hutcheson,	D. W. Tribble,
W. J. Cox,	Daniel James,	John D. Woods—36.

Mr. Pettit offered an amendment as follows :

Amend section 234 by adding after the word "property," in line 3, the words, "selection of text-books or other thing."

Ordered, That said bill be read the third time.

Said bill was read the third time by its title, the constitutional provision as to reading of said bill the third time at length being dispensed with.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	D. B. Edmiston,	W. F. Neat,
Lewis Alexander, Sr.,	McD. Ferguson,	Eli Nicholls,
W. W. Ayres,	J. M. Frazee,	J. P. O'Meara,
W. S. Bailey,	Wm. Garrison,	W. F. Peak,
Posey D. Ball,	Ben. F. Gardner,	Thos. S. Pettit,
John Bartman,	J. P. Gay,	J. F. Porter,
John T. Bashaw,	J. C. Glenn,	E. M. Pryse,
W. P. Beard,	S. M. Gough,	A. T. Pullen,
B. T. Birkhead,	Thos. H. Hanks,	I. M. Quigley,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	R. E. Roberts,
Polk Cansler,	P. R. Hays,	John Ryan,
A. J. Carroll,	F. W. Hutcheson,	S. H. Shouse,

B. E. Caudill,	Daniel James,	C. C. Spalding,
F. P. Combest,	W. W. Johnson,	W. R. Stewart,
L. J. Cox,	R. M. Kincheloe	J. R. Summers,
W. J. Cox.	William Krieger,	John M. Tinsley,
J. S. Cullen,	Lewis Y. Leavell,	D. W. Tribble,
J. M. Dawson, Jr.,	H. P. Lively,	N. S. Walton,
James R. Dean.	C. W. Mathers,	John D. Woods—62.
E. M. Dickson,	W. H. May,	

In the negative—none.

Resolved, That the title thereof be as aforesaid.

The House took up for consideration the special orders of the day, to wit:

H. B. 258. An act to establish a State Board of Pharmacy, defining its duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky.

S. B. 239. An act to regulate the sale of poisons in this Commonwealth.

Ordered, That said bills be made the special orders for Tuesday next, 30th inst.

The House took from the orders of the day S. B. 200, entitled

An act to repeal an act prohibiting the sale of spirituous, vinous or malt liquors in the voting precincts of Million and Poosey, in Madison county.

Ordered, That said bill be read the third time.

Said bill was read a third time and passed, as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That an act, entitled "An act prohibiting the sale of spirituous, vinous or malt liquors in voting precincts of Million and Poosey, in the county of Madison," approved February 18, 1882, be, and the same is hereby, repealed.

§ 2. There being a great demand for the immediate repeal of said act, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. (Speaker Moore), Wm. Garrison,	W. F. Peak,
Lewis Alexander, Sr., J. C. Glenn,	Thos. S. Pettit,

W. W. Ayres,	S. M. Gough,	J. F. Porter,
W. S. Bailey,	Thos. H. Hanks,	E. M. Pryse,
W. P. Beard,	A. L. Harned,	A. T. Pullen,
B. F. Bennett,	H. K. Hay,	C. D. Reed,
John Botts,	F. W. Hutcheson,	R. E. Roberts,
Polk Cansler,	Daniel James,	John Ryan,
A. J. Carroll,	W. W. Johnson,	S. H. Shouse,
L. J. Cox,	R. M. Kincheloe,	C. C. Spalding,
W. J. Cox,	William Krieger,	W. R. Stewart,
J. S. Cullen,	Lewis Y. Leavell,	J. R. Summers,
J. M. Dawson, Jr.,	H. P. Lively,	J. R. Thomas,
James R. Dean,	W. H. May,	John M. Tinsley,
E. M. Dickson,	Hiram McElroy,	D. W. Tribble,
D. B. Edmiston,	W. F. Neat,	N. S. Walton,
McD. Ferguson,	Eli Nicholls,	John D. Woods—53.
J. M. Frazee,	J. P. O'Meara,	

In the negative—none.

Resolved, That the title thereof be as aforesaid.

The House took from the orders of the day S. B. 238, entitled

An act to amend an act, entitled "An act to increase the efficiency of the Inspector of Mines, and more fully provide for the protection of the lives and health of persons employed in the coal mines of this State," approved on the 13th day of January, 1893.

Said bill is as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That an act, entitled "An act to increase the efficiency of the Inspector of Mines, and more fully provide for the protection of the lives and health of persons employed in the coal mines of this State," enacted by this General Assembly, and approved by the Governor on the thirteenth day of January, 1893, be, and is hereby, amended by adding thereto the following words: "For the reason that the number of mines in the State, subject to the law requiring inspection, is now so great that it is impossible for one person charged with the duties of Inspector of Mines to give all of them the immediate, detailed and frequent attention they require, and, in addition, discharge the other duties of his office, an emergency is hereby declared to exist, and this act shall be in force from its approval by the Governor; but the term of said Assistant Inspector of Mines provided for herein, and his salary, shall begin only with the date of his appointment."

§ 2. It being manifest, from the provisions of section one above, that this act should become operative at once, an emer-

gency is hereby declared to exist, and this act shall take effect upon its approval by the Governor.

The Committee on Mines and Mining heretofore offered a substitute for said bill.

Said substitute is as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That an act, entitled "An act to increase the efficiency of the Inspector of Mines, and more fully provide for the protection of the lives and health of persons employed in the coal mines of this State," enacted by this General Assembly, and approved by the Governor on the third day of December, 1892, be, and is hereby, amended by striking out all of section 5 thereof, which reads as follows: "This act shall take effect and go into force ninety days after the adjournment of the General Assembly," and substituting in lieu thereof the following words: "Section 5. For the reason that the number of mines in the State, subject to the law requiring inspection, is now so great that it is impossible for one person charged with the duties of Inspector of Mines to give all of them the immediate, detailed, and frequent attention they require, and, in addition, discharge the other duties of his office, an emergency is hereby declared to exist, and this act shall be in force from its approval by the Governor; but the term of said Assistant Inspector of Mines provided for herein, and his salary, shall begin only with the date of his appointment."

§ 2. It being manifest, from the provisions of section 1 above, that this act should become operative at once, an emergency is hereby declared to exist, and this act shall take effect upon its approval by the Governor.

Said substitute was adopted.

Ordered, That said bill, as amended by said substitute, be read the third time.

Said bill, as amended, was read the third time, and placed upon its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. M. Frazee,	W. F. Neat,
Lewis Alexander, Sr.,	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	Ben. F. Gardner,	J. P. O'Meara,
W. S. Bailey,	J. C. Glenn,	J. F. Porter,
John T. Bashaw,	S. M. Gough,	E. M. Pryse,
W. P. Beard,	A. L. Harned,	A. T. Pullen,

P. S. Bruner,	P. R. Hays,	C. D. Reed,
Polk Cansler,	F. W. Hutcheson,	R. E. Roberts,
A. J. Carroll,	Daniel James,	John Ryan,
B. E. Caudill,	W. W. Johnson,	D. H. Severs,
L. J. Cox,	R. M. Kincheloe,	Waller Sharp,
W. J. Cox,	Henry Kremer,	S. H. Shouse,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	C. C. Spalding,
James R. Dean,	W. H. May,	J. R. Summers,
E. M. Dickson,	Hiram McElroy	John M. Tinsley,
D. B. Edmiston,	M. D. McInerney,	D. W. Tribble—49.
McD. Ferguson,		

Those who voted in the negative, were—

B. F. Bennett,	H. P. Lively,	J. R. Thomas,
John Botts,	W. F. Peak,	N. S. Walton,
J. S. Cullen,	Thos. S. Pettit,	John D. Woods—11.
Thos. H. Hanks,	W. R. Stewart,	

And so said bill was rejected.

And then the House adjourned.

THURSDAY, MAY 25, 1893.

The House was opened with prayer by Rev. W. C. Taylor, of the Baptist Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	John Finn,	Eli Nicholls,
Lewis Alexander, Sr.,	J. M. Frazee,	J. P. O'Meara,
W. W. Ayres,	Wm. Garrison,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,
Posey D. Ball,	S. M. Gough,	E. M. Pryse,
W. P. Beard,	Thos. H. Hanks,	A. T. Pullen,
B. F. Bennett,	A. L. Harned,	C. D. Reed,
B. T. Birkhead,	H. K. Hay,	John Ryan,
P. S. Bruner,	P. R. Hays,	D. H. Severs,
Polk Cansler,	B. B. Hensley,	Waller Sharp,
B. E. Caudill,	F. W. Hutcheson,	S. H. Shouse,

A. H. Charlton,	Daniel James,	C. C. Spalding,
F. P. Combest,	W. W. Johnson,	W. W. Stephenson,
Will J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	William Krieger,	J. R. Summers,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
James R. Dean,	H. P. Lively,	John M. Tinsley,
E. M. Dickson,	C. W. Mathers,	D. W. Tribble,
D. B. Edmiston,	Hiram McElroy,	N. S. Walton,
McD. Ferguson,	W. F. Neat,	John D. Woods—60.

The following members were absent, viz :

T. J. Arnett,	U. G. Harlow,	J. A. Perkins,
John Bartman,	R. K. Hart,	Granville Philpot,
John T. Bashaw,	W. J. Hissem,	J. F. Porter,
R. F. Bass,	Berry Howard,	I. M. Quigley,
John Botts,	J. S. Joplin,	R. E. Roberts,
A. J. Carroll,	T. S. Kirk,	Fenton Sims,
R. F. Comer,	Henry Kremer,	Samuel O. Tate,
L. J. Cox,	John M. Letterle,	Lewis E. Thomas,
Wesley Crow,	W. H. May,	J. H. Welch,
J. E. Durham,	John S. May,	H. P. Whitaker,
George Will. Follis,	M. D. McInerney,	B. F. Willett,
Ben. F. Gardner,	Harvey Myers,	Geo. E. Willett,
J. P. Gay,	John Lee Payne,	R. B. Wilson—40.
Geo. T. Halbert,		

The Journal of yesterday's proceedings was approved.

Bills were introduced as follows :

By Mr. Hay—

H. B. 549. A bill prohibiting companies, associations and corporations of other States or countries from possessing, controlling, maintaining or operating any railway or part thereof in this State, until they have become corporations, citizens and residents of this State.

Referred to the Committee on Judiciary.

By same—

H. B. 550. A bill to empower the trustees of the State Normal School for Colored Persons, at Frankfort, to build a dormitory.

Referred to the Committee on Education.

By Mr. Stephenson—

H. B. 551. A bill to amend an act, entitled "An act relating to revenue and taxation."

Referred to the Committee on Revenue and Taxation.

By Mr. Cansler—

H. B. 552. A bill to amend an act, entitled “An act for the government of towns of the sixth class.”

Referred to the Committee on Municipalities.

Mr. Woods entered a motion to reconsider the vote by which this House failed to pass

S. B. 238. An act to amend an act, entitled “An act to increase the efficiency of the Inspector of Mines, and more fully provide for the protection of the lives and health of persons employed in the coal mines of this State,” approved on the 13th day of January, 1893.

Mr. Carroll, from the Committee on Public Offices and Library, reported a bill, entitled

H. B. 547. An act to provide for lighting the Governor’s Mansion with electricity instead of gas.

Said bill was read the first time at length, and ordered to be printed, and read the second time on another day.

Mr. Dickson, from the Committee on Judiciary, to which the same had been recommitted, reported a bill, entitled

H. B. 502. A bill to authorize the county courts to maintain abandoned turnpike roads in this Commonwealth.

Said bill was ordered to be printed, and read the second time on another day.

Mr. McElroy moved that when the House adjourns at 1 o’clock, it be to meet at 3 o’clock P. M., for the purpose of receiving report from the Committee on Enrollments.

Said motion was agreed to.

The House took up for consideration the special order for to-day, viz:

S. B. 201. An act to prevent and punish unlawful interference with the transportation of freight and passengers and the conduct of traffic in this Commonwealth.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That it shall be unlawful for any person or persons to prevent, hinder or delay, or to attempt to prevent, hinder or delay, the transportation of freight or passengers in this State, by any individual, firm, company, corporation or association doing business in this State, or to interfere with any

person or agency engaged in the conduct of commerce and traffic in this State in such manner as to obstruct or impede the movement and conduct of such commerce or traffic; but nothing herein shall be construed to prevent any person or class of persons from quitting their employment at any time they see proper.

§ 2. And it shall be unlawful for any person or persons to prevent or hinder, or attempt to prevent or hinder, by coercion, intimidation, or any trespass or unauthorized interference therewith, the free and lawful use of his or its property, by any individual, firm, company, corporation or association engaged in the business of transporting freight and passengers, and in the conduct of commerce and traffic in this State, or the free and lawful use of said property by any agent or employe of the owner thereof.

§ 3. Whoever shall violate the provisions of either of the two preceding sections of this act shall be deemed guilty of a misdemeanor, and, upon conviction by any court of competent jurisdiction, shall be punished for each offense by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail of the county wherein the offense is committed, or shall be both so fined and imprisoned, in the discretion of the jury.

Mr. Woods offered an amendment as follows, viz :

Amend section 1 by inserting after "delay," in line 4, the words "by violence."

Said amendment was agreed to.

Mr. Dawson offered an amendment as follows, viz :

Amend section 1 by striking out all after the word "traffic," in line 9.

Said amendment was disagreed to.

Mr. J. R. Thomas offered an amendment as follows :

Amend section 1 by inserting after the word "with," in line 6, the words "by violence."

Said amendment was agreed to.

Mr. Pryse offered an amendment as follows :

Amend section 1 by striking out the words "or to attempt to prevent, hinder or delay," in lines 3 and 4.

Said amendment was disagreed to.

Mr. Woods offered an amendment as follows :

Amend section 2 by striking out the word "unauthorized," in line 3, and substituting therefor the word "violent."

Said amendment was agreed to.

Mr. Peak moved to strike out section 2.

Said motion was disagreed to.

Mr. Cansler offered an amendment as follows :

Amend section 3 by inserting after "committed," in line 7. the words "not less than ten days nor more than six months."

Said amendment was agreed to.

Mr. Dickson offered an amendment as follows :

Amend section 3 by striking out "one hundred," in line 5, and insert in lieu thereof "twenty-five;" and strike out "five hundred" in same line, and insert in lieu thereof "two hundred."

Said amendment was agreed to.

Ordered, That said bill, as amended, be read the third time.

Said bill, as amended, was read the third time and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	McD. Ferguson,	W. H. May,
Lewis Alexander, Sr.,	J. M. Frazee,	Hiram McElroy,
W. S. Bailey,	J. P. Gay,	W. F. Neat,
Posey D. Ball,	J. C. Glenn,	J. P. O'Meara,
John T. Bashaw,	S. M. Gough,	A. T. Pullen,
W. P. Beard,	Thos. H. Hanks,	C. D. Reed,
B. F. Bennett,	U. G. Harlow,	D. H. Severs,
P. S. Bruner,	A. L. Harned,	Waller Sharp,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
A. J. Carroll,	B. B. Hensley,	C. C. Spalding,
B. E. Caudill,	F. W. Hutcheson,	W. W. Stephenson,
L. J. Cox,	Daniel James,	J. R. Thomas,
J. S. Cullen,	R. M. Kincheloe,	John M. Tinsley,
J. M. Dawson, Jr.,	Henry Kremer,	D. W. Tribble,
James R. Dean,	William Krieger,	N. S. Walton,
E. M. Dickson,	Lewis Y. Leavell,	John D. Woods—50.
D. B. Edmiston,	C. W. Mathers,	

Those who voted in the negative, were—

W. W. Ayres,	John Finn,	Eli Nicholls,
John Bartman,	Ben. F. Gardner,	W. F. Peak,
B. T. Birkhead,	H. K. Hay,	Thos. S. Pettit,
John Botts,	W. W. Johnson,	J. F. Porter,
A. H. Charlton,	H. P. Lively,	John Ryan,
W. J. Cox,	M. D. McInerney,	W. R. Stewart—18.

Resolved, That the title thereof be as aforesaid.

And then the House took a recess until 3 o'clock P. M.

AFTERNOON SESSION.

The House met at 3 o'clock pursuant to adjournment.

Mr. Speaker Moore in the chair.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 163. An act relating to courts of justice,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

And then the House adjourned.

FRIDAY, MAY 26, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	John Finn,	W. F. Neat,
Lewis Alexander, Sr.,	J. M. Frazee,	Eli Nicholls,
W. W. Ayres,	Wm. Garrison,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,

W. P. Beard,	S. M. Gough,	J. F. Porter,
B. F. Bennett,	Thos. H. Hanks,	E. M. Pryse,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	S. H. Shouse,
Polk Cansler,	P. R. Hays,	C. C. Spalding,
F. P. Combest,	F. W. Hutcheson,	W. W. Stephenson,
L. J. Cox,	Daniel James,	W. R. Stewart,
W. J. Cox,	W. W. Johnson,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	John M. Tinsley,
J. M. Dawson, Jr.,	William Krieger,	D. W. Tribble,
James R. Dean,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	H. P. Lively,	B. F. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—54.

The following members were absent, viz :

T. J. Arnett,	R. K. Hart,	J. A. Perkins,
Posey D. Ball,	B. B. Hensley,	Granville Philpot,
John Bartman,	W. J. Hissem,	I. M. Quigley,
John T. Bashaw,	Berry Howard,	R. E. Roberts,
R. F. Bass,	J. S. Joplin,	John Ryan,
A. J. Carroll,	T. S. Kirk,	D. H. Severs,
B. E. Caudill,	Henry Kremer,	Waller Sharp,
A. H. Charlton,	John M. Letterle,	Fenton Sims,
R. F. Comer,	C. W. Mathers,	Samuel O. Tate,
Wesley Crow,	W. H. May,	Lewis E. Thomas,
E. M. Dickson,	John S. May,	J. R. Thomas,
J. E. Durham,	M. D. McInerney,	J. H. Welch,
George Will. Follis,	Harvey Myers,	H. P. Whitaker,
Ben. F. Gardner,	J. P. O'Meara,	Geo. E. Willett,
J. P. Gay,	John Lee Payne,	R. B. Wilson—46.
Geo. T. Halbert,		

The Journal of yesterday's proceedings was approved

Mr. Carroll introduced a new bill, entitled

H. B. 553. A bill to amend an act, entitled "An act providing for the creation and regulation of private corporations."

Which was referred to the Committee on Corporate Institutions.

Mr. Hay introduced a joint resolution, entitled

H. Resolution 107. Resolution to direct county clerks to send to State Board of Equalization tax-books and other papers necessary in the performance of their duties.

Which was referred to the Committee on Revenue and Taxation.

Mr. Bailey offered the following resolution, viz :

WHEREAS, Dr. Prentis Mead, an ex-Representative in this House from Carroll county, died at his home in said county on Wednesday, May 24, 1893 :

Resolved, That in the death of Dr. Mead the State has lost a wise and patriotic counselor, his neighbors a kind, benevolent and beloved friend, and his family more than the stranger can express.

Resolved, That this House, appreciating the public services and private worth of the deceased as a legislator, citizen and friend, hereby places upon record this testimonial of its high regard for his memory.

Resolved, That the Clerk of this House transmit a copy of these resolutions to the family of the deceased.

Which was unanimously adopted.

Mr. Woods, from the Committee on Rules, reported, without any expression of opinion, S. Resolution 63, entitled

Resolution providing for a *sine die* adjournment of the General Assembly.

Said resolution is as follows :

Resolved by the General Assembly of the Commonwealth of Kentucky : That this General Assembly shall stand adjourned "*sine die*" on the 15th day of June, 1893, at 12 o'clock, M., of that day.

Mr. Gay moved to amend said resolution by striking out "15th" and inserting "28th."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Garrison and Frazee, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. P. Gay,	William Krieger,
John Bartman,	U. G. Harlow,	J. P. O'Meara,
W. P. Beard,	A. L. Harned,	J. F. Porter,
W. J. Cox,	F. W. Hutcheson,	E. M. Pryse,
J. S. Cullen,	W. W. Johnson,	D. W. Tribble—16.
J. M. Frazee,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	McD. Ferguson,	Thos. S. Pettit,
W. W. Ayres,	John Finn,	Granville Philpot,
W. S. Bailey,	J. C. Glenn,	A. T. Pullen,

John Botts,	S. M. Gough,	C. D. Reed,
Polk Cansler,	Thos. H. Hanks,	S. H. Shouse,
A. J. Carroll,	H. K. Hay,	C. C. Spalding,
B. E. Caudill,	Daniel James,	W. W. Stephenson,
F. P. Combest,	Lewis Y. Leavell,	J. R. Thomas,
L. J. Cox,	H. P. Lively,	John M. Tinsley,
J. M. Dawson, Jr.,	Hiram McElroy,	N. S. Walton,
James R. Dean,	W. F. Neat,	John D. Woods—35.
D. B. Edmiston,	Eli Nicholls,	

Mr. Cansler moved to amend by striking out "15th" and inserting "22d."

Mr. Ferguson moved that said resolution be made the special order for Wednesday, June 14th, proximo.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Woods and Ferguson, were as follows, viz:

Those who voted in the affirmative, were—

John Bartman,	John Finn,	William Krieger,
W. P. Beard,	Wm. Garrison,	H. P. Lively,
B. F. Bennett,	Ben. F. Gardner,	W. F. Neat,
B. T. Birkhead,	J. C. Glenn,	W. F. Peak,
P. S. Bruner,	S. M. Gough,	Thos. S. Pettit,
B. E. Caudill,	Thos. H. Hanks,	A. T. Pullen,
W. J. Cox,	H. K. Hay,	C. D. Reed,
J. S. Cullen,	P. R. Hays,	W. R. Stewart,
J. M. Dawson, Jr.,	F. W. Hutcheson,	J. R. Summers,
McD. Ferguson,	R. M. Kincheloe,	J. R. Thomas—30.

Those who voted in the negative, were—

Mr. (Speaker Moore),	J. M. Frazee,	Granville Philpot,
Lewis Alexander, Sr.,	J. P. Gay,	J. F. Porter,
W. W. Ayres,	U. G. Harlow,	S. H. Shouse,
W. S. Bailey,	A. L. Harned,	C. C. Spalding,
John Botts,	Daniel James,	W. W. Stephenson,
Polk Cansler,	W. W. Johnson,	John M. Tinsley,
A. J. Carroll,	Lewis Y. Leavell,	D. W. Tribble,
F. P. Combest,	Hiram McElroy,	N. S. Walton,
L. J. Cox,	Eli Nicholls,	B. F. Willett,
D. B. Edmiston,	J. P. O'Meara,	John D. Woods—30.

Mr. Pettit moved that said resolution be made the special order for Thursday, June 8th, proximo.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and Gardner, were as follows, viz :

Those who voted in the affirmative, were—

John Bartman,	Ben. F. Gardner,	W. F. Peak,
W. P. Beard,	J. C. Glenn,	Thos. S. Pettit,
B. F. Bennett,	S. M. Gough,	J. F. Porter,
B. T. Birkhead,	Thos. H. Hanks,	E. M. Pryse,
P. S. Bruner,	P. R. Hays,	A. T. Pullen,
B. E. Caudill,	F. W. Hutcheson,	C. D. Reed,
J. M. Dawson, Jr.,	R. M. Kincheloe,	W. R. Stewart,
McD. Ferguson,	William Krieger,	J. R. Summers,
John Finn,	H. P. Lively,	J. R. Thomas—28.
Wm. Garrison,		

Those who voted in the negative, were—

Lewis Alexander, Sr.,	D. B. Edmiston,	Eli Nicholls,
W. W. Ayres,	J. M. Frazee,	J. P. O'Meara,
W. S. Bailey,	J. P. Gay,	Granville Philpot,
John Botts,	U. G. Harlow,	S. H. Shouse,
Polk Cansler,	A. L. Harned,	C. C. Spalding,
A. J. Carroll,	H. K. Hay,	W. W. Stephenson,
F. P. Combest,	Daniel James,	John M. Tinsley,
L. J. Cox,	W. W. Johnson,	D. W. Tribble,
Will J. Cox,	Louis Y. Leavell,	N. S. Walton,
J. S. Cullen,	Hiram McElroy,	B. F. Willett,
James R. Dean,	W. F. Neat,	John D. Woods—33.

Mr. Ferguson moved that said resolution be made the special order for Monday, June 12th, proximo.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Ferguson and Frazee, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	W. F. Neat,
John Bartman,	Ben. F. Gardner,	W. F. Peak,
W. P. Beard,	J. C. Glenn,	Thos. S. Pettit,
B. F. Bennett,	S. M. Gough,	J. F. Porter,
B. T. Birkhead,	Thos. H. Hanks,	E. M. Pryse,
P. S. Bruner,	H. K. Hay,	A. T. Pullen,
B. E. Caudill,	P. R. Hays,	C. D. Reed,
W. J. Cox,	F. W. Hutcheson,	W. R. Stewart,
J. S. Cullen,	W. W. Johnson,	J. R. Summers,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Thomas,
James R. Dean,	Henry Kremer,	John M. Tinsley,
McD. Ferguson,	Wm. Krieger,	D. W. Tribble,
John Finn,	H. P. Lively,	B. F. Willett—39.

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. M. Frazee,	J. P. O'Meara,
W. W. Ayres,	J. P. Gay,	Granville Philpot,
W. S. Bailey,	U. G. Harlow,	S. H. Shouse,
John Botts,	A. L. Harned,	C. C. Spalding,
Polk Cansler,	Daniel James,	W. W. Stephenson,
F. P. Combest,	Lewis Y. Leavell,	N. S. Walton,
L. J. Cox,	Hiram McElroy,	John D. Woods—23.
D. B. Edmiston,	Eli Nicholls,	

A message was received from the Senate, announcing that they had disagreed to a bill, which originated in the House, entitled

H. B. 543. An act to amend an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, without the approval of the Governor.

That they had adopted the report of the committee of conference relative to S. B. 225, entitled

An act for the government of cities of the fifth class,
And that they had passed said bill as amended thereby.

The House took up said bill for consideration.

The report of the committee of conference is as follows :

To the Senate and House of Representatives :

Your Committee of Conference, appointed to take into consideration the differences between the two Houses in relation to S. B. 225, entitled "An act for the government of cities of the fifth class," beg leave to submit the following report :

1. That the House recedes from amendment No. 9.

2. Amend section 46 by adding after the word "estate," in line 2, the following: "Except such tangible personal property as has an actual *bona fide* situs without the city.

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J. S. WORTHAM, *Ch'n*,

JNO. W. OGILVIE,

C. A. BOARD,

Senate Committee.

WILL J. COX, *Ch'n*,

N. S. WALTON,

W. S. BAILEY,

House Committee.

Said report was agreed to.

The yeas and nays being required thereon by Messrs. Gardner and Hanks, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	Eli Nicholls,
Lewis Alexander, Sr.,	John Finn,	J. P. O'Meara,
W. W. Ayres,	George Will Follis,	W. F. Peak,
W. S. Bailey,	J. M. Frazee,	J. F. Porter,
W. P. Beard,	S. M. Gough,	E. M. Pryse,
B. F. Bennett,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	A. L. Harned,	S. H. Shouse,
Polk Cansler,	P. R. Hays,	C. C. Spalding,
F. P. Combest,	Daniel James,	W. R. Stewart,
W. J. Cox,	W. W. Johnson,	John M. Tinsley,
J. S. Cullen,	Lewis Y. Leavell,	N. S. Walton,
J. M. Dawson, Jr.,	Hiram McElroy,	B. F. Willett,
D. B. Edmiston,	W. F. Neat,	John D. Woods—39.

Those who voted in the negative, were—

John Bartman,	Ben. F. Gardner,	William Krieger,
B. T. Birkhead,	J. C. Glenn,	H. P. Lively,
John Botts,	Thos. H. Hanks,	Thos. S. Pettit,
A. J. Carroll,	H. K. Hay,	C. D. Reed,
B. E. Caudill,	F. W. Hutcheson,	W. W. Stephenson,
James R. Dean,	R. M. Kincheloe,	J. R. Summers,
Wm. Garrison,	Henry Kremer,	J. R. Thomas—21.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Wm. Garrison,	J. P. O'Meara,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	E. M. Pryse,
John Botts,	A. L. Harned,	A. T. Pullen,
P. S. Bruner,	H. K. Hay,	C. D. Reed,
A. J. Carroll,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	C. C. Spalding,
F. P. Combest,	Daniel James,	W. W. Stephenson,
L. J. Cox,	W. W. Johnson,	W. R. Stewart,
W. J. Cox,	R. M. Kincheloe,	J. R. Summers,
J. S. Cullen,	Henry Kremer,	J. R. Thomas,

J. M. Dawson, Jr.,	William Krieger,	John M. Tinsley,
James R. Dean,	Lewis Y. Leavell,	D. W. Tribble,
D. B. Edmiston,	Hiram McElroy,	N. S. Walton,
McD. Ferguson,	W. F. Neat,	John D. Woods—52.
John Finn,		

Those who voted in the negative, were—

B. F. Bennett,	Ben. F. Gardner,	H. P. Lively,
Polk Cansler,	Thos. H. Hanks,	Thos. S. Pettit—6.

Mr. Frazee, from the Committee on Revenue and Taxation, reported H. B. 551, entitled

A bill to amend an act, entitled "An act relating to revenue and taxation."

Mr. Spalding, from the Committee on State Prisons and House of Reform, reported

H. B. 537. An act to amend an act, entitled "An act relating to State Penitentiaries," approved ———, 1893, and declaring an emergency.

Said bills were severally read the first time at length, ordered to be printed, and read the second time on another day.

Mr. Gardner, from the Committee on Circuit Courts, reported S. B. 226. An act to provide for the more perfect and uniform indexing of the public records in counties of this Commonwealth having a population of seventy-five thousand or more,

With a substitute therefor.

Said bill was read the first time at length, ordered to be printed, together with the substitute, and read the second time on another day.

Mr. Walton, from the Committee of Conference, appointed to take into consideration the matters of difference and disagreement between the two Houses relating to

H. B. 289. An act to provide how the printing, binding and stationery used by the State shall be furnished,

Reported said bill, together with the report of the committee.

Said report is as follows:

To the President of the Senate and Speaker of the House of Representatives:

Your Committee of Conference, selected to take into consid-

eration the differences existing between the two Houses of House Bill No. 289, entitled "An act to provide how the printing and binding and stationery used by the State shall be furnished," respectfully ask to make the following report :

House recedes from House amendments Nos. 2 and 3. The House recedes from House amendment 4. House recedes from House amendment 5, with an amendment by striking out the word "fourth," in line 31, and insert the word "first" in lieu thereof. House recedes from Nos. 6 and 7. House recedes from No. 8, with an amendment by striking out "September," in lines 1 and 2, and insert "August," and by striking out "December," in line 2, and insert "November." Senate concurs in No. 11. Senate concurs in No. 12, with an amendment by striking out the words "and Frankfort," in lines 3 and 4, and insert in lieu thereof "at the State Capital." The House recedes from No. 15. The Senate concurs in Nos. 16, 17, 18, 19, 20, 21, 22, 23 and 24. House recedes from No. 25. House recedes from No. 26, with an amendment by striking out the words "complete all unfinished" in line 1, and insert in lieu thereof the words "be continued in office to do the public," and by striking out the words "in his hands on" in line 2, and insert "until" in lieu thereof; and by striking out the word "new" in line 3. Senate concurs in No. 27.

HENRY GEORGE,
ED. DAUM,
C. A. BOARD,
Senate Committee.

N. S. WALTON,
J. C. GLENN,
JNO. M. TINSLEY,
House Committee,

Said report was agreed to.

The yeas and nays being required thereon by Messrs. Garrison and Pettit, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore), J. M. Frazee,
Lewis Alexander, Sr., Ben. F. Gardner,
W. W. Ayres, J. P. Gay,

J. P. O'Meara,
Granville Philpot,
J. F. Porter,

W. S. Bailey,	J. C. Glenn,	E. M. Pryse,
John Bartman,	S. M. Gough,	A. T. Pullen,
W. P. Beard,	U. G. Harlow,	C. D. Reed,
John Botts,	A. L. Harned,	S. H. Shouse,
Polk Cansler,	Daniel James,	C. C. Spalding,
A. J. Carroll,	W. W. Johnson,	W. W. Stephenson,
L. J. Cox,	Henry Kremer,	John M. Tinsley,
W. J. Cox,	William Krieger,	D. W. Tribble,
D. B. Edmiston,	Lewis Y. Leavell,	N. S. Walton,
McD. Ferguson,	Hiram McElroy,	John D. Woods—41.
John Finn,	Eli Nicholls,	

Those who voted in the negative, were—

B. F. Bennett,	H. K. Hay,	W. F. Peak,
B. T. Birkhead,	P. R. Hays,	Thos. S. Pettit,
P. S. Bruner,	F. W. Hutcheson,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	H. P. Lively,	J. R. Thomas,
Wm. Garrison,	W. F. Neat,	B. F. Willett—19.
Thos. H. Hanks,		

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	John Finn,	J. P. O'Meara,
Lewis Alexander, Sr.,	J. M. Frazee,	W. F. Peak,
W. W. Ayers,	Ben. F. Gardner,	Thos. S. Pettit,
W. S. Bailey,	J. P. Gay,	Granville Philpot,
John Bartman,	J. C. Glenn,	J. F. Porter,
W. P. Beard,	S. M. Gough,	E. M. Pryse,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	P. R. Hays,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	C. C. Spalding,
A. J. Carroll,	Daniel James,	W. W. Stephenson,
B. E. Caudill,	W. W. Johnson,	W. R. Stewart,
F. P. Combest,	Henry Kremer,	J. R. Summers,
L. J. Cox,	William Krieger,	John M. Tinsley,
W. J. Cox,	Lewis Y. Leavell,	D. W. Tribble,
J. S. Cullen,	Hiram McElroy,	N. S. Walton,
James R. Dean,	W. F. Neat,	B. F. Willett,
D. B. Edmiston,	Eli Nicholls,	John D. Woods—55.
McD. Ferguson,		

Those who voted in the negative, were—

B. F. Bennett,	Thos. H. Hanks,	H. P. Lively,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Thomas—6.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill and a joint resolution, which originated in the House, of the following titles, viz :

H. B. 452. An act to authorize county courts to submit propositions for dividing or striking off territory to the legal voters, and providing for the transfer of said territory ;

H. Resolution 104. Resolution authorizing the State Librarian to deliver to the State Commissioners for the World's Columbian Exposition certain paintings, works of art and historical relics for exhibition at said exposition, and declaring an emergency ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill and resolution would now be read, and that he would sign the same to the end that they might become laws.

Said bill and resolution were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bill and resolution to the Senate.

After a time the Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bill and resolution to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. J. R. Thomas, from the Committee on Legislative Districts, reported

S. B. 224. An act dividing the State into thirty-eight Senatorial Districts.

Ordered, That said bill be made the special order for Tuesday, 30th inst.

The House took from the orders of the day H. B. 541, entitled An act to promote the study of medicine and surgery in this Commonwealth.

Pending the consideration thereof, the House adjourned.

SATURDAY, MAY 27, 1893.

The House was opened with prayer by Elder Geo. Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their, names viz :

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Neat,
Lewis Alexander, Sr.,	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	J. P. O'Meara,
W. S. Bailey,	S. M. Gough,	W. F. Peak,
W. P. Beard,	Geo. T. Halbert,	Thos. S. Pettit,
B. F. Bennett,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	E. M. Pryse,
John Botts,	H. K. Hay,	A. T. Pullen,
P. S. Bruner,	P. R. Hays,	C. D. Reed,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	C. C. Spalding,
F. P. Combest,	W. W. Johnson,	W. W. Stephenson,
L. J. Cox,	R. M. Kincheloe,	J. R. Summers,
W. J. Cox,	William Krieger,	J. R. Thomas,
J. S. Cullen,	Lewis Y. Leavell,	John M. Tinsley,
James R. Dean,	H. P. Lively,	D. W. Tribble,
E. M. Dickson,	C. W. Mathers,	B. F. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—54.

The following members were absent, viz :

T. J. Arnett,	A. L. Harned,	Granville Philpot,
Posey D. Ball,	R. K. Hart,	I. M. Quigley,
John Bartman,	B. B. Hensley,	R. E. Roberts,
John T. Bashaw,	W. J. Hissem,	John Ryan,
R. F. Bass,	Berry Howard,	D. H. Severs,
A. J. Carroll,	J. S. Joplin,	Waller Sharp,
A. H. Charlton,	T. S. Kirk,	Fenton Sims,
R. F. Comer,	Henry Kremer,	W. R. Stewart,
Wesley Crow,	John M. Letterle,	Samuel O. Tate,
J. M. Dawson, Jr.,	W. H. May,	Lewis E. Thomas,
J. E. Durham,	John S. May,	N. S. Walton,
D. B. Edmiston,	M. D. McInerney,	J. H. Welch,
John Finn,	Harvey Myers,	H. P. Whitaker,
George Will. Follis,	John Lee Payne,	Geo. E. Willett,
Ben. F. Gardner,	J. A. Perkins,	R. B. Wilson—46.
J. P. Gay,		

The Journal of yesterday's proceedings was approved.

The House took up for consideration the unfinished business of yesterday, a bill, entitled

H. B. 541. An act to promote the study of medicine and surgery in the Commonwealth of Kentucky.

Ordered, That said bill be read the third time.

Said bill was read the third time, as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. It shall be lawful for the professor of any medical college or school which is or may be incorporated under the laws of this State, and which has executed bond as herein required, to procure the unclaimed body of any person dying in this State, for the purpose of being dissected and examined by the professors and students of such college, for the advancement of science, as hereinafter provided.

§ 2. It shall be the duty of any superintendent, warden, coroner or other person having in his possession the dead body of any person which may be unclaimed, to notify the relatives or friends of the deceased person (if they are known) of the death of the person and place where the body is ; and on the failure of such deceased person's relatives or friends, within a reasonable time, to claim and bury the body, it shall be the duty of such officers or other persons, on the demand of a professor of any medical college or school, as herein contemplated, to deliver the body to such professor who shall at once cause such body to be embalmed, and shall preserve the same for thirty days before dissecting it. During said thirty days it shall be the duty of such college, or the professor thereof, to deliver the body, without any charge, to the friends or relatives of the deceased who may demand it for interment.

§ 3. If such body be not claimed for interment during said thirty days, it shall be lawful for the professors or students of the college, after the expiration of thirty days, to examine or dissect such body.

§ 4. After such body has been dissected as herein contemplated, it shall be decently buried at the expense of the professor to whom the body was delivered, or of the college represented by him.

§ 5. No school, college or professor thereof shall be entitled or permitted to receive any such body until a bond shall have been given in the penal sum of one thousand dollars by such college, with good personal security, to be approved by the clerk of the county court in and for the county in which such college or school may be situated, conditioned for the faithful disposition of all dead bodies which may come into the possession of such college or any professor thereof, as required by law. The bond shall be filed in such clerk's office, and therein safely kept. Said bond shall be renewed every twelve months, and as a fee for taking and approving such bond, the clerk shall be entitled to a fee of one dollar.

§ 6. It shall be unlawful for any such body to be used for any other purpose than the promotion of science in the college represented by the professor claiming it ; nor shall any such body be sold or removed from this State.

§ 7. It shall be the duty of the college receiving the body to keep a record thereof, in a book to be kept for that purpose at the college, and which shall, at all times, be subject to inspection by any officer of the State or county, or relative or friend of any deceased person whose body it is supposed may have been delivered to or be in possession of such college. The record shall show the name, if known, age, sex, date and cause of death, and final place of interment, and the date when the body came into the possession of the college and date of interment, together with any distinguishing marks by which the body may be identified.

§ 8. Upon the failure to comply with the provisions of this chapter in any respect, on the part of the college or any professor thereof, there shall attach a liability of not less than one hundred dollars nor more than one thousand dollars, on the last bond which may have been executed as herein provided, for each violation of this law, which may be recovered by action in the name of the Commonwealth, and which action shall be prosecuted by the Commonwealth's attorney of the district in which such college may be situated.

The question was then taken on the passage of said bill.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	H. K. Hay,	E. M. Pryse,
W. W. Ayres,	P. R. Hays,	A. T. Pullen,
P. S. Bruner,	F. W. Hutcheson,	C. D. Reed,
L. J. Cox,	Daniel James,	S. H. Shouse,
W. J. Cox,	W. W. Johnson,	C. C. Spalding,
E. M. Dickson,	William Krieger,	W. W. Stephenson,
J. M. Frazee,	Lewis Y. Leavell,	J. R. Summers,
S. M. Gough,	C. W. Mathers,	John M. Tinsiey,
Geo. T. Halbert,	Hiram McElroy,	John D. Woods—29.
Thos. H. Hanks,	W. F. Peak,	

Those who voted in the negative, were—

W. S. Bailey,	J. M. Dawson, Jr.,	W. F. Neat,
B. F. Bennett,	James R. Dean,	Eli Nicholls,
B. T. Birkhead,	McD. Ferguson,	Thos. S. Pettit,
Polk Cansler,	Wm. Garrison,	J. F. Porter,
A. J. Carroll,	J. C. Glenn,	J. R. Thomas,

B. E. Caudill,	U. G. Harlow,	D. W. Tribble,
F. P. Combest,	R. M. Kincheloe,	B. F. Willett—23.
J. S. Cullen,	H. P. Lively,	

And so said bill was rejected.

Mr. Carroll entered a motion to reconsider the vote by which the House failed to pass said bill.

Mr. Pettit introduced the following new bill, viz :

H. B. 554. An act to prevent and punish fraud in sales of wearing apparel, at public or private sale, by itinerant venders, and to regulate all such sales.

Which was referred to the Committee on General Statutes.

Bills and a resolution were reported by committees as follows:

By Mr. Frazee, from the Committee on Revenue and Taxation—

H. Resolution 107. Resolution to direct county clerks to send to State Board of Equalization tax-books and other papers necessary in the performance of their duties.

By Mr. Stephenson, from the Committee on Municipalities—

H. B. 552. A bill to amend an act, entitled "An act for the government of towns of the sixth class."

By Mr. Hay, from the Committee on Education—

H. B. 550. A bill to empower the trustees of the State Normal School for Colored Persons to build a dormitory.

Said bills and resolution were severally read the first time at length, ordered to be printed, and read the second time on another day.

The Speaker laid before the House the following communication :

KENTUCKY BUILDING,
WORLD'S FAIR, May 26, 1893. }

Hon. W. M. MOORE, *Speaker of the House of Representatives* :

DEAR SIR: The Kentucky Board of Managers, World's Columbian Exposition, have set apart June 1 as the most appropriate day for the dedication of the State building. The latter is neither as complete nor as comfortable as we would like, but the ceremonies will be made as pleasant and the building as attractive as practicable.

It is the earnest desire of the board that you, and as many of

the members of your body as possible, shall attend the dedication, and trust that you and they will accept this informal invitation, and make an earnest endeavor to be present.

Very truly yours, etc.,

W. H. DULANEY,
President Kentucky Board of Managers.

Which was ordered to be spread on the Journal.

Mr. Peak called from the Clerk's desk the resolution offered by him on the 23d inst.

[*See House Journal May 23, 1893.*]

Mr. Shouse moved to amend by inserting after "members, in line 7, the words "and employes."

Which was agreed to.

Mr. J. R. Thomas offered an amendment as follows :

Strike out "five dollars" and insert in lieu thereof "as many dollars as is equal to their per diem."

Which was agreed to.

Mr. Tribble offered an amendment as follows :

Insert after "family," in line 8, the words "or unless by permission of the House for good cause."

The question was taken upon agreeing to said amendment.

The yeas and nays being required thereon by Messrs. Ferguson and J. R. Thomas, were as follows, viz :

Those who voted in the affirmative, were—

W. S. Bailey,	J. C. Glenn,	Granville Philpot,
B. F. Bennett,	S. M. Gough,	E. M. Pryse,
Polk Cansler,	Geo. T. Halbert,	A. T. Pullen,
B. E. Caudill,	U. G. Harlow,	C. C. Spalding,
J. M. Dawson, Jr.,	P. R. Hays,	J. R. Summers,
McD. Ferguson,	Daniel James,	D. W. Tribble,
J. M. Frazee,	R. M. Kincheloe,	B. F. Willett—23.
Wm. Garrison,	Hiram McElroy,	

Those who voted in the negative, were—

Mr. (Speaker Moore),	Thos. H. Hanks,	Eli Nicholls,
Lewis Alexander, Sr.,	H. K. Hay,	W. F. Peak,

W. W. Ayres,	F. W. Hutcheson,	Thos. S. Pettit,
B. T. Birkhead,	W. W. Johnson,	J. F. Porter,
P. S. Bruner,	Lewis Y. Leavell;	S. H. Shouse,
F. P. Combest,	H. P. Lively,	J. R. Thomas,
W. J. Cox,	C. W. Mathers,	John M. Tinsley,
J. S. Cullen,	W. F. Neat,	John D. Woods—24.

A quorum failing to vote,

Mr. Birkhead moved that a call of the House be had.

Said motion was adopted.

The roll was called and was as follows :

Mr. Speaker (Moore),	E. M. Dickson,	H. P. Lively,
Lewis Alexander, Sr.,	McD. Ferguson,	C. W. Mathers,
W. W. Ayres,	J. M. Frazee,	Hiram McElroy,
W. S. Bailey,	Wm. Garrison,	W. F. Neat,
B. F. Bennett,	J. C. Glenn,	Eli Nicholls,
B. T. Birkhead,	S. M. Gough,	Thos. S. Pettit,
John Botts,	Geo. T. Halbert,	Granville Philpot,
P. S. Bruner,	Thos. H. Hanks,	J. F. Porter,
Polk Cansler,	U. G. Harlow,	A. T. Pullen,
A. J. Carroll,	H. K. Hay,	S. H. Shouse,
B. E. Caudill,	P. R. Hays,	C. C. Spalding,
F. P. Combest,	F. W. Hutcheson,	J. R. Summers,
L. J. Cox,	Daniel James,	J. R. Thomas,
W. J. Cox,	W. W. Johnson,	John M. Tinsley,
J. S. Cullen,	R. M. Kincheloe,	D. W. Tribble,
J. M. Dawson, Jr.,	William Krieger,	B. F. Willett,
James R. Dean,	Lewis Y. Leavell,	John D. Woods—51.

The following members were absent, viz :

T. J. Arnett,	B. B. Hensley,	I. M. Quigley,
Posey D. Ball,	W. J. Hissem,	C. D. Reed,
John Bartman,	Berry Howard,	R. E. Roberts,
John T. Bashaw,	J. S. Joplin,	John Ryan,
R. F. Bass,	T. S. Kirk,	D. H. Severs,
W. P. Beard,	Henry Kremer,	Waller Sharp,
A. H. Charlton,	John M. Letterle,	Fenton Sims,
R. F. Comer,	W. H. May,	W. W. Stephenson,
Wesley Crow,	John S. May,	W. R. Stewart,
J. E. Durham,	M. D. McInerney,	Samuel O. Tate,
D. B. Edmiston,	Harvey Myers,	Lewis E. Thomas,
John Finn,	J. P. O'Meara,	N. S. Walton,
George Will. Follis,	John Lee Payne,	J. H. Welch,
Ben. F. Gardner,	W. F. Peak,	H. P. Whitaker,
J. P. Gay,	J. A. Perkins,	Geo. E. Willett,
A. L. Harned,	E. M. Pryse,	R. B. Wilson—49.
R. K. Hart,		

Mr. Birkhead moved that further proceedings under the call of the House be dispensed with.

Said motion was agreed to.

Mr. McElroy moved that the further consideration of said resolution be postponed until Monday, 12th of June, proximo, and that it be made a special order for that day.

Said motion was agreed to.

A message was received from the Senate, announcing that they had concurred in amendments proposed by the House to a bill, which originated in the Senate, entitled

S. B. 201. An act to prevent and punish unlawful interference with the transportation of freight and passengers and the conduct of traffic in this Commonwealth,

And that they had passed said bill as amended.

And then the House adjourned.

MONDAY, MAY 29, 1893.

The House was opened with prayer by Rev. J. H. Young, of Louisville.

Mr. Frazee, as Speaker *pro tem.*, in the chair.

Upon a call of the roll, the following members were present, viz:

W. W. Ayres,
Posey D. Ball,
John T. Bashaw,
W. P. Beard,
B. F. Bennett,
John Botts,
P. S. Bruner,
Polk Cansler,
B. E. Caudill,
F. P. Combest,
R. F. Comer,
L. J. Cox,

Wm. Garrison,
J. C. Glenn,
S. M. Gough,
Geo. T. Halbert,
Thos. H. Hanks,
U. G. Harlow,
A. L. Harned,
H. K. Hay,
P. R. Hays,
B. B. Hensley,
F. W. Hutcheson,
Daniel James,

Eli Nicholls,
J. P. O'Meara,
Thos. S. Pettit,
J. F. Porter,
E. M. Pryse,
A. T. Pullen,
John Ryan,
D. H. Severs,
S. H. Shouse,
C. C. Spalding,
W. W. Stephenson,
W. R. Stewart,

W. J. Cox,	W. W. Johnson,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	John M. Tinsley,
James R. Dean,	C. W. Mathers,	D. W. Tribble,
E. M. Dickson,	W. H. May,	B. F. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—56.
J. M. Frazee,	W. F. Neat,	

The following members were absent, viz :

Mr. Speaker (Moore),	J. P. Gay,	J. A. Perkins,
Lewis Alexander, Sr.,	R. K. Hart,	Granville Philpot,
T. J. Arnett,	W. J. Hissem,	I. M. Quigley,
W. S. Bailey,	Berry Howard,	C. D. Reed,
John Bartman,	J. S. Joplin,	R. E. Roberts,
R. F. Bass,	T. S. Kirk,	Waller Sharp,
B. T. Birkhead,	Henry Kremer,	Fenton Sims,
A. J. Carroll,	William Krieger,	Samuel O. Tate,
A. H. Charlton,	Jno. M. Letterle,	Lewis E. Thomas,
Wesley Crow,	H. P. Lively,	N. S. Walton,
J. E. Durham,	John S. May,	J. H. Welch,
D. B. Edmiston,	M. D. McInerney,	H. P. Whitaker,
John Finn,	Harvey Myers,	Geo. E. Willett,
George Will. Follis,	John Lee Payne,	R. B. Wilson—44.
Ben. F. Gardner,	W. F. Peak,	

The Journal of Saturday was approved.

Mr. Pettit introduced H. B. 555, entitled

A bill empowering the county court of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health, convenience or welfare of its inhabitants.

Referred to the Committee on Internal Improvements.

The House took from the orders of the day H. Resolution 105, entitled

Resolution directing the Public Printer to print one thousand copies of the charter of cities and towns of the sixth class.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and passed, as follows, viz :

WHEREAS, The charter for the government and regulation of cities and towns of the sixth class in the State of Kentucky, as passed at this session of the General Assembly with an emergency clause, has been signed by the Governor, and is now in

force; and whereas, it is essential that the various cities and towns of the above-named class should be supplied with copies of said law; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky: That the Public Printer is hereby authorized to print one thousand of said law for distribution by the members of this House in the districts represented by them.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	J. M. Frazee,	J. P. O'Meara,
Posey D. Ball,	Wm. Garrison,	Thos. S. Pettit,
W. P. Beard,	J. C. Glenn,	J. F. Porter,
B. F. Bennett,	S. M. Gough,	E. M. Pryse,
B. T. Birkhead,	Geo. T. Halbert,	A. T. Pullen,
John Botts,	Thos. H. Hanks,	I. M. Quigley,
P. S. Bruner,	U. G. Harlow,	John Ryan,
Polk Cansler,	A. L. Harned,	S. H. Shouse,
B. E. Caudill,	P. R. Hays,	C. C. Spalding,
F. P. Combest,	F. W. Hutcheson,	W. W. Stephenson,
R. F. Comer,	Daniel James,	W. R. Stewart,
L. J. Cox,	W. W. Johnson,	J. R. Summers,
W. J. Cox,	R. M. Kincheloe,	J. R. Thomas,
J. S. Cullen,	W. H. May,	John M. Tinsley,
J. M. Dawson, Jr.,	Hiram McElroy,	D. W. Tribble,
James R. Dean,	W. F. Neat,	B. F. Willett,
E. M. Dickson,	Eli Nicholls,	John D. Woods—52.
McD. Ferguson,		

In the negative—none.

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

Mr. B. F. Willett, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 392. An act to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor November 11, 1892 ;

H. B. 515. An act prescribing the duties of all peace officers of this Commonwealth in making, or causing to be made, arrests in certain cases, and fixing a penalty for a failure of their duties therein ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign the same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

Mr. J. R. Thomas, from the Committee on Legislative Districts, reported H. B. 545, entitled

A bill to amend an act to divide the State into one hundred legislative districts,

Without an expression of opinion.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Dawson entered a motion to reconsider the vote by which said bill was ordered to be printed and read the second time.

The House took from the orders of the day H. Resolution 102, entitled

Resolution directing the Attorney-General to institute proceedings against the Kentucky Leaf Tobacco Exchange.

Mr. Botts submitted an amendment to said resolution, including the Cincinnati Tobacco Warehouse, of Covington, Kentucky.

Mr. Halbert moved to recommit said resolution to the Committee on Judiciary.

Said motion was adopted.

Leave of absence, indefinitely, was granted Mr. Lively.

The House took from the orders of the day bills and resolution as follows, viz:

H. B. 502. A bill to authorize the county courts to maintain abandoned turnpike roads in this Commonwealth.

H. B. 546. A bill authorizing the Commissioners of the Sinking Fund to extend the State sewer leading from the Frankfort Penitentiary, along Mero street, toward the Kentucky river, from its present terminus to the river, and making appropriation therefor, and declaring an emergency.

H. B. 547. A bill to provide for lighting the Governor's Mansion with electricity instead of gas.

H. B. 548. A bill to amend the charter of the town of Parkland.

H. Resolution 106. Resolution directing the Public Printer to print and deliver to the Superintendent of Public Instruction five hundred copies of the law providing for the management and administration of the A. & M. College.

Said bills and resolution were severally read the second time by their titles,

The constitutional provision as to the reading of same at length being dispensed with.

The House took from the orders of the day S. B. 236, entitled
An act to regulate and control turnpike, gravel and plank roads.

Mr. Birkhead moved to amend said bill as follows, viz :

Amend section 3, line 19, by striking out the word "ten," and inserting in lieu thereof the word "eight."

Said amendment was adopted.

The following amendments, proposed by the Committee on Agriculture and Manufactures, were adopted :

Amend section 4, line 5, by adding after the word "worship" the words "and funeral processions going to and returning from place of burial."

Amend section 20 by adding thereto the following: "And where the county owns stock, the county judge of said county shall cast the vote."

Mr. Halbert moved to refer said bill to the Committee on Judiciary.

Said motion was adopted.

The House took from the orders of the day S. B. 165, entitled
An act in relation to descent and distribution, and entitled
"Descent and Distribution."

Mr. Hanks moved to amend said bill as follows :

Strike out all of section 5 and insert in lieu thereof the following: "The estate of bastards shall descend and be distributed in the same manner as that of persons born in lawful wedlock, except that the inheritance shall go to the mother and her kindred."

Said amendment was adopted.

Mr. Pettit moved to amend subsection 3 of section 11 by striking out all of said subsection and inserting in lieu thereof the following:

Third. A husband shall have one-half of the surplus of a deceased wife's personal estate.

Said amendment was adopted.

Mr. Bashaw moved to reconsider the vote by which said amendment was adopted.

Said motion was rejected.

Mr. Gough moved to amend said bill by striking out of line 14 the word "third," and inserting in lieu thereof the word "half;" also by striking out "one-half," in same line, and inserting in lieu thereof the word "whole."

Said amendment was rejected.

Mr. Halbert moved to place said bill in the orders of the day.
Said motion was adopted.

And then the House adjourned.

TUESDAY, MAY 30, 1893.

The House was opened with prayer by the Rev. T. S. Clyce, of the Parkland Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	J. C. Glenn,	J. P. O'Meara,
W. W. Ayres,	S. M. Gough,	W. F. Peak,
W. S. Bailey,	Geo. T. Halbert,	Thos. S. Pettit,
Posey D. Ball,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	A. T. Pullen,
B. F. Bennett,	A. L. Harned,	C. D. Reed,
B. T. Birkhead,	H. K. Hay,	John Ryan,
John Botts,	P. R. Hays,	D. H. Severs,
Polk Cansler,	B. B. Hensley,	S. H. Shouse,
B. E. Caudill,	W. J. Hissem,	C. C. Spalding,

F. P. Combest,	F. W. Hutcheson,	W. W. Stephenson,
R. F. Comer,	Daniel James,	W. R. Stewart,
Will J. Cox,	W. W. Johnson,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	Samuel O. Tate,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	J. R. Thomas,
James R. Dean,	C. W. Mathers,	John M. Tinsley,
E. M. Dickson,	W. H. May,	D. W. Tribble,
McD. Ferguson,	Hiram McElroy,	N. S. Walton,
John Finn,	W. F. Neat,	B. F. Willett,
J. M. Frazee,	Eli Nicholls,	John D. Woods—61.
Wm. Garrison,		

The following members were absent, viz :

Lewis Alexander, Sr.,	Ben. F. Gardner,	John Lee Payne,
T. J. Arnett,	J. P. Gay,	J. A. Perkins,
John Bartman,	R. K. Hart,	Granville Philpot,
John T. Bashaw,	Berry Howard,	E. M. Pryse,
R. F. Bass,	J. S. Joplin,	I. M. Quigley,
P. S. Bruner,	T. S. Kirk,	R. E. Roberts,
A. J. Carroll,	Henry Kremer,	Waller Sharp,
A. H. Charlton,	William Krieger,	Fenton Sims,
L. J. Cox,	John M. Letterle,	Lewis E. Thomas,
Wesley Crow,	H. P. Lively,	J. H. Welch,
J. E. Durham,	John S. May,	H. P. Whitaker,
D. B. Edmiston,	M. D. McInerney,	Geo. E. Willett,
George Will. Follis,	Harvey Myers,	R. B. Wilson—39.

The Journal of yesterday's proceedings was approved.

Bills were introduced as follows :

By Mr. Sims—

H. B. 556. A bill to authorize the county court of the several counties of this Commonwealth to submit propositions for removing county seats to the legal voters of the respective counties.

Which was referred to the Committee on Judiciary.

By Mr. W. H. May—

H. B. 557. A bill to enable incorporated colleges and universities located in this Commonwealth to establish adjunct schools and colleges.

Which was referred to the Committee on Education.

Petitions were presented as follows :

By Mr. Ferguson—

Petition of sundry citizens of McLean county, asking for the

establishment of an institution for the care, treatment and maintenance of persons addicted to the whisky or opium habit.

Referred to the Committee on Public Morals.

By Mr. Halbert—

Petition of sundry citizens of Lewis county asking the passage of a law amending the charter of the Lewis County and Mason County Turnpike Company.

Referred to the Committee on Judiciary.

The Speaker laid before the House the following communication, viz :

LEXINGTON, KY., May 28, 1893.

HON. Wm. M. MOORE, *Speaker of the House of Representatives, Frankfort, Ky.:*

DEAR SIR: I have the honor, on behalf of the authorities of the Agricultural and Mechanical College of Kentucky, to invite you, and through you, that branch of the General Assembly of the Commonwealth over which you preside, to be present at the commencement exercises, which take place June 1, 1893, beginning at 10 A. M.

I have the honor to be, with much respect, your obedient servant,

JAMES K. PATTERSON, *President.*

Which was ordered spread on the Journal.

Mr. Dawson called up from the Clerk's desk the motion, entered by him on yesterday, to reconsider the vote by which the House ordered to its second reading

H. B. 545. An act to amend an act, entitled "An act to divide the State into one hundred Representative Districts," approved _____, 1893.

Said motion was disagreed to.

Mr. O'Meara, from the Committee on Court of Appeals and Superior Court, to which the same had been recommitted, reported

S. B. 188. An act relating to and providing for a Court of Appeals,

With an amendment by way of substitute.

Ordered, That said substitute be printed, and that said bill

and substitute be made the special order for Friday, June 2d, proximo.

Mr. W. H. May, from the Committee on Municipalities, reported

H. B. 539. An act for the government of cities of the second class,

Together with sundry amendments thereto.

Said bill is as follows :

ARTICLE I. MUNICIPALITIES.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The cities of the second class, respectively, are created and continued bodies-corporate and politic, within their respective limits, with perpetual succession, by the name and style which each now respectively bears, with power to govern themselves in all fiscal, prudential and municipal concerns, by such ordinances and resolutions as they may deem proper, not in conflict with this law or the Constitution of the State of Kentucky or the Constitution of the United States ; to acquire property for municipal purposes by purchase or otherwise, within their corporate limits or elsewhere ; to hold the same, and all property and effects now belonging to the said cities held either in their own name, or in the name of others, for the use of each of said cities for the purpose and interest for which the same were granted or dedicated ; to use, manage, improve, sell, convey, rent or lease the same, and to have like power over property hereafter acquired ; and, as such, by their respective names, shall be capable in law of contracting and being contracted with, of suing and being sued, in all courts and places, and in all matters whatsoever, and shall have and use, respectively, a corporate seal, and make, change, alter and renew the same at pleasure.

§ 2. The corporate boundaries of each of said cities shall continue and remain as they are now established until altered by law ; and every such city bounded in part by the Ohio river shall have concurrent jurisdiction with the State of Kentucky over the waters of that river opposite thereto ; and if the boundary line between any two or more of said cities, or of any such city and a county or counties not embraced in said city, shall be a river or other stream within the State, each city shall have concurrent jurisdiction with the other and with such county or counties, over the waters of such river or stream opposite thereto.

§ 3. Each of said cities shall be, and is, vested with all the rights, titles, interests and privileges which were vested in, possessed and held by, each of them, respectively, at the time of the passage of this law, and is hereby charged with all lawful liabilities and obligations now existing ; but the said rights shall

be held for the same purposes and subject to the same trusts as heretofore.

ARTICLE II. DISTRIBUTION OF POWERS.

§ 1. The government of said cities shall be divided into a legislative, an executive and a judicial department. No officer of one of these departments shall exercise any power properly belonging to either of the others, except in the instance hereinafter expressly directed or permitted.

ARTICLE III. LEGISLATIVE DEPARTMENT.

§ 1. The legislative power shall be vested in a board of aldermen and a board of councilmen, which, together, shall be styled "The General Council of the City." The board of aldermen shall be composed of two members for each ward to be selected from and elected by the voters at large of the city.

§ 2. The board of councilmen shall be composed of three members selected from each ward in the city, but elected by the voters of the city at large. Members of the legislative department of the government of the city shall be elected for two years, and until their successors are elected and qualified. No person shall be eligible as a member of said departments who at the time of election shall not have resided in the city for two years next preceding his election; not be a male citizen of this State; not be either a housekeeper or owner of real estate in the city; or who shall hold another civil office; be directly or indirectly interested in any contract with the city or in any application therefor; be in arrears to the city for money or property collected or held without a settlement or quietus therefor; have been convicted of malfeasance in office, bribery or other corrupt practice or crime, or hold any office in any company or corporation which has or is an applicant for any contract with the city, the terms, rates or prices of which are subject to modification or enforcement by the general council. Mere stockholders or employes in such companies or corporations are not, however, herein included, but they shall not vote on or interfere, directly or indirectly, with any matter or question affecting such company or corporation in any manner whatever other than in common with the general public; and attained the age of twenty-four years, and have been for one year *bona fide* residents and voters of the ward, or, in case of aldermen, of the city, for which they may be chosen. The absence or cessation of any of the foregoing qualifications, or the occurring of any of the foregoing disqualifications after election or during the term of office, shall work a forfeiture of the office, and the general council shall so declare, and proceed to fill the vacancy as hereinafter prescribed. Each member of the general council shall receive three dollars for any stated or called meeting of the board at which he is pres-

ent: *Provided, however,* That no member shall receive more than six dollars under this section for any one month. Each board shall elect from its own members a president, who shall hold office for one year. In his absence a president *pro tem.* shall be chosen from among its own members by each board. Each board shall adopt rules for its proceedings, determine the election and qualifications of its members, except as hereinafter provided, punish its members for contempt or disorderly conduct, and, two-thirds of the members of the general council concurring, may expel a member, but not twice for the same offense. A majority of the members elect shall form a quorum in each body, but a smaller number may adjourn from day to day, and the attendance of members may be enforced by rules or ordinance with appropriate fines.

§ 3. Each board shall keep a correct journal of its proceedings, and immediately after adjournment thereof its proceedings, or a fair abstract thereof (as may be determined by ordinance), shall be published at least once in a daily newspaper published in the city, such newspaper to be annually selected by the general council in joint session upon a *viva voce* vote. All ordinances shall be published in full after they are recorded by the auditor as hereinafter provided, in such newspaper, before they shall be enforced. The place of meeting shall be fixed by ordinance, and shall not be changed except by ordinance passed by two-thirds of the members elect. If from any cause it shall be impossible or impracticable to meet at the designated place, the mayor shall, by proclamation, fix the place pending such difficulty, or until the council shall act in the premises.

§ 4. Said general council shall meet at least once in each month, and shall not adjourn for a longer time, but may adjourn from day to day and sit as long as business requires.

§ 5. Members of the general council, for any thing said in debate, shall be entitled to the same immunities and protection allowed to the members of a General Assembly.

§ 6. It shall be the duty of the general council that shall be first elected under this law to lay off the city into as many wards as they may deem expedient for the purpose herein named, as nearly equal as possible as to the number of inhabitants, and fix permanent boundaries; but the general council may, in their discretion, from time to time, increase the number of said wards, not to exceed twelve; and it shall be the duty of the general council, from time to time, to alter the boundaries of the wards, so as to equalize the number of the inhabitants in each as near as it may be; but such alterations shall not be made except on a general census of all the inhabitants being previously taken.

§ 7. Vacancies in either board, and vacancies in offices elected by the general council, as now provided, shall be filled by election in joint session of the general council for the remainder of the term vacated. All officers and agents of the city, in any

of its departments, not required to be otherwise elected or appointed, shall be elected by the general council upon *viva voce* vote in joint session, subject to removal at any time by said general council.

ARTICLE IV. GENERAL POWERS.

§ 1. The general council shall have power to acquire, establish, erect and maintain bridges within the city and from the city across any river or water-course bounding the city, and may, until said bridge shall have been paid for, charge toll for crossing the same; and may do so jointly with any municipality on the opposite side of said river or water-course; to establish, erect and maintain, and regulate the use of culverts and sewers; to establish, alter, deepen and change water-courses, natural and artificial, to change the channel of the same, and to wall them up and cover the same. To impose, enforce and collect fines, forfeitures and penalties for the breach of any provision of this law, or any ordinance; to punish the violation of any provision of this law, or any ordinance of this city, by fines or imprisonment, or by both fine and imprisonment; and no ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense. Any person upon whom any fine is imposed shall stand committed until the payment of the same with costs, and in default of such payment shall be imprisoned in the city prison, work-house, house of correction, or house of refuge, as provided in this law, or in case of women and minors, in such other place as may be provided for them, at public or private expense, to be designated by the court before whom conviction is had. Every person so imprisoned in the city prison, the work-house, house of correction or house of refuge, or other place, as herein provided, shall be required to work for the city at such labor as his or her health and strength will permit, within or without said prison, work-house, house of correction, house of refuge, or other place, not exceeding ten hours each working day; and for such work such person shall be allowed, exclusive of his or her board, fifty cents per day for each day's work on account of said fine and cost. To pass all such ordinances, not inconsistent with the provisions of this law or the laws of the State, as may be expedient in maintaining the peace, good government, health and welfare of the city, its trade, commerce and manufactures, and to enforce the same by fines and penalties; and any enumeration of subjects and matters herein to be regulated shall not be construed as a limitation upon this general power.

§ 2. No resolution or ordinance involving the appropriation of money, the execution of a contract, or affecting a franchise, shall be passed unless a majority of the members-elect in each board of the general council shall vote therefor on a *viva voce* vote, which shall be entered in full on the journal, and until it shall have been read at two regular meetings in each board, and

free discussion allowed thereon. So much of this provision as requires a reading at two regular meetings may be suspended by a vote of two-thirds of all the members elect in each board. No ordinance shall embrace more than one subject, and that shall be expressed in the title. No ordinance shall be revived or reenacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance. No ordinance shall be amended by providing that designated words thereof be stricken out and others inserted in lieu thereof, but the ordinance or section amended shall be set forth in full as amended.

§ 3. The general council shall have power to pass, modify, amend and repeal all ordinances necessary and proper for carrying into effect the powers granted by this law; and all ordinances, by-laws and resolutions now in force, not inconsistent with this act and the Constitution of the State, are hereby continued until they are revised, and until revision of ordinances is made and adopted by the council, which is hereby ordered to be done within one year from the time this law takes effect. And then, and once in every five years thereafter, the city shall cause to be published in pamphlet form, properly indexed, all the ordinances and resolutions of a public nature in force. When an ordinance is put upon its final passage, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the board proceeds to other business. When a motion is made and carried to indefinitely postpone an ordinance or resolution, the subject shall not be again introduced within six months.

§ 4. All ordinances and resolutions of the city may be proved by the signature of the auditor and the seal of the city. When printed by authority of the city, said printed copy shall be received in evidence in all courts and places without further proof.

§ 5. The validity of city ordinances and by-laws may be tried by writ of prohibition from the circuit court, with right of appeal to the Court of Appeals. Should the judge of the police court decide against the validity of any ordinance or by-law, the said decision, with the ordinance or by-law, shall, on request of the city attorney, be certified on the record, and the city shall have a right of carrying said decision to the circuit court by appeal or writ of error. All penalties for violation of the ordinance and by-laws shall be sued for by warrant in the name of the city to the police court, when judgment may be given as well for the cost as the penalties. The general council shall cause all ordinances, resolutions, and by-laws passed by them to be fairly recorded in a journal. After adjournment of any session, all the original ordinances, and all resolutions which may have become laws thereat, shall be filed with the auditor, who shall record the same in wire-bound books provided for that purpose by the city: *Provided*, That no ordinance

shall be recorded until it shall have become a law. The auditor shall also make a written index of the subject of the ordinance or resolution, its number, and the date of its becoming a law, together with the record and page where found, and he shall preserve the file and records in his office.

§ 6. The general council, unless otherwise provided by law, shall fix the salary and compensation and prescribe the duties of all officers, deputies and employes of the city before their election or employment, and the salaries of no city officer, deputy or employe shall be changed after his election, employment or appointment, during his term of office or employment, and no officer, deputy or employe of the city shall be entitled to any compensation or salary unless he, in person or by authorized deputy, discharges and performs the duties of his office. All officers, deputies and employes of the city, except as hereinafter provided, shall be paid a fixed salary and not otherwise; and all fees and commissions authorized by law shall revert to and be for the use and benefit of the city.

§ 7. The salary of no officer of this city, including all necessary deputies and clerks, shall exceed five thousand dollars per annum; and no officer to whom fees, costs and commissions may be authorized by general law to be paid shall be entitled to or paid any part of his salary until he shall have made, on oath, an itemized report to the general council of all fees, costs and commissions collected by him, and have paid over to the city treasurer such fees, costs and commissions collected by him, and have given to the general council satisfactory reasons for a failure to collect and pay over to the city treasurer all uncollected fees, costs and commissions.

§ 8. The city, through its officers and agents, may, at all reasonable times, within the city and within two miles of the city limits, enter into and examine all dwellings, lots, yards, inclosures and buildings, cars and vehicles of every description, to ascertain their condition of healthfulness, cleanliness and safety; take down and remove buildings, walls or superstructures that are or may become dangerous, or require owners to remove or put them in a secure and safe condition at their own expense; may direct and regulate the building and maintenance of partition, parapet and fire walls, partition fences, ovens, smoke-flues, fire-places, hot-air flues, boilers, kettles, smoke-stacks, stove-pipes, and erection and cleaning of chimneys; shall provide for the safe construction, inspection and repair of all public and private buildings in the city; compel persons to aid in extinguishing fires or in the preservation of property liable to be destroyed or stolen, and compel the consumption of smoke, and make such regulations as may be necessary to prevent same from becoming deleterious and offensive to health; to prescribe fire limits within which it shall be unlawful to erect buildings of wood or combustible materials.

§ 9. The general council shall, without unnecessary delay,

enact stringent and effective laws for securing the safety of persons from fires in hotels, factories or other buildings, and in halls and buildings let or used for public assemblies, for entertainments or for amusements, inside the city limits.

§ 10. The general council shall not grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, the general council shall first, after due advertisement in one or more papers in the city, receive bids therefor publicly, and award the same to the highest and best bidder, but shall have the right to reject any and all bids.

§ 12. The general council shall not expend any money in excess of the amount annually levied, collected or appropriated for any special object. Any member of the general council who shall knowingly vote for any appropriation of money, or for the making of any contract in violation of this law, or any officer of the city who shall knowingly do any act to impose upon the city any pecuniary liability in excess of the authority in this law limited, shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than \$100 nor more than \$1,000, or imprisonment in the county jail not less than one month nor more than one year, or by both such fine and imprisonment.

§ 13. No appropriation or payment shall be made from any revenue or fund account in excess of the amount actually collected or anticipated, as hereinafter provided, and in the treasury.

§ 14. Within the first month of each fiscal year the general council shall, by ordinance, as near as practicable, make all necessary apportionments of the revenue to be raised for such year to the expense of the several departments and for all public works, under proper headings, and for such other objects as it may be necessary to provide for. All ordinances that contemplate the appropriation of any money shall, upon their second reading, be referred to the appropriate committee of each board, who shall obtain the indorsement thereon of the auditor, to the effect that sufficient unappropriated means stand to the credit of the fund or revenue account therein mentioned to meet the requirements of such ordinances, and that the same is in the treasury, or it shall not be lawful to pass the said ordinance. The general council shall have power to borrow money on the credit of the city in anticipation of revenue from general taxes, and pledge any of the property of the city, except school property, or pledge any part of the anticipated taxes of the city for the payment of the principal and interest of such loan: *Provided*, That the interest paid shall in no case exceed six per cent. per annum, and the principal shall in no case exceed fifty per cent. of the anticipated revenue. The bonded and floating debt of the city at the time of the passage of this law, which has been authorized by contract or general law, shall remain unim-

paired, and the general council may issue renewal bonds or funding bonds, bearing not exceeding six per cent. per annum interest, in payment of such bonded or floating debt: *Provided*, That the issual of said renewal and funding bonds shall not exceed the principal of said bonded and floating debt; and said renewal and funding bonds shall not be sold for less than par and accrued interest.

§ 15. The general council shall have power to issue city bonds for an amount sufficient to complete any contracts for buildings or improvements for municipal purposes that are in process of construction at the date of the passage of this law, or for the completion of and payment for public improvements authorized or undertaken and not completed and paid for: *Provided*, That such bonds shall not bear exceeding six per cent. per annum interest, and shall not be sold for less than par and accrued interest, and not inconsistent with the provisions of this law and the Constitution of the State of Kentucky.

§ 16. The general council shall annually, in January of each year, publish an itemized account of all money received and paid out during the preceding fiscal year.

§ 17. The general council shall have power to authorize by ordinance the proper officers of the city to grant and issue licenses, and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor, except as hereinafter provided. No license shall be granted for more than one year except at public letting.

§ 18. In case of redistricting or division of the city into wards, creation of any new ward or wards, or change of boundary of any ward or wards, every qualified elector residing in any ward at any general city election next thereafter, duly registered, shall be a qualified voter of such ward, and nothing in this charter contained shall be so construed as to prevent any elector from voting or being eligible to any office, by reason merely of such redistricting or division, or creation of any new ward or wards, or change in the boundary of any ward or wards.

§ 19. Territory shall not be annexed to the city within four months next preceding any general city election, nor shall there be a redistricting or division of the city into wards, or change of boundary of any ward or wards, or creation of any new ward or wards, within two months next preceding any general city election.

§ 20. All wards which may be established by ordinance, as aforesaid, shall be composed of adjacent and compact territory, and the several wards, at the time of redistricting, shall contain as nearly an equal number of inhabitants as may be practicable. The wards shall be numbered conveniently from one up to the highest number thus established.

§ 21. Whenever any change in the number of wards, or alterations of the boundaries of any ward, shall be made, or new wards shall be established, there shall be no election of a mem-

ber of council for such ward or of alderman until the general election for city officers.

§ 22. Nothing in this law contained shall be construed to limit or abridge the term of office which any member of the council or general council of the city shall be elected to fill, but every such member shall be deemed and taken for the residue of the term for which he may have been elected a member of that ward in which his actual residence and place of abode may be at the time of any division of the city into wards, creating any new ward or wards, or changing the boundaries or any ward or wards.

STREET IMPROVEMENTS.

§ 23. The general council shall, by ordinance, provide for a general plan of laying out into streets and alleys all the territory within the city limits which have not already been laid out at the passage of this law. All new streets and alleys shall conform as nearly as possible to the lines and grades of the streets and alleys now opened, and said streets shall be not less than fifty feet in width. No new street or alley shall be considered as accepted by the city except by resolution of council, and the territory occupied by said street or alley shall continue on the tax duplicate until so accepted. After the passage of this law no plat of any addition to the city, or of any subdivision of lands in the city, in so far as the same seeks to locate a street or alley, shall be of any validity or admitted to record until said plat has the approval of the board of public works indorsed thereon.

§ 24. All proceedings for condemnation of land for public or municipal purposes shall be directed by resolution of the general council, and for school purposes by order of the school board; but all shall be instituted in the name of the city and by the city solicitor.

§ 25. The general council may provide by ordinance for the construction or reconstruction of the roadways and sidewalks on the public streets with granite, asphalt, brick, concrete or other material, upon a petition of the owners of a majority of the front feet of property on any block, street or part of street asking that said improvements be made, or without a petition, two-thirds of the members-elect of the council voting therefor.

§ 26. All petitions for the construction of all or any part of a public street or alley shall be advertised for one week in the newspaper selected for that purpose. Whereupon it shall be the duty of the city engineer to prepare and submit to the general council plans, specifications and estimates of the cost of the proposed improvement. The general council may then provide for the construction or reconstruction of the said street, and order a special assessment to be made of the property (exclusive of improvements) fronting on said street, block or alley, and give notice for ten days by publication in the city newspaper to the property-holders to call and examine said assessment.

§ 27. At the expiration of the time mentioned in the said notice, and after the appropriate committee has heard and acted on all complaints of property-holders in regard to said special assessment, the general council shall, by ordinance, confirm the assessment and levy a special tax on said property sufficient to pay for the entire cost of said improvement, except one-third of the cost of constructing or reconstructing the roadway of said street from curb to curb, which shall be paid for by the city. Said special tax shall be a lien on the said property, and their collection shall be made and enforced as other taxes, and the mayor and general council are hereby authorized to issue, for and in behalf of the city, bonds on such time as may be deemed best, for amounts sufficient to pay for the city's part of said construction or reconstruction. Said bonds shall bear interest at not exceeding six per cent. per annum, payable semi-annually. Said bonds shall be of such denomination as the general council shall deem best; none of these bonds shall be sold for less than par and accrued interest, and their proceeds shall be used exclusively in paying for the city's part of the cost of construction or reconstruction of said street, block or alley, improved under the provisions of law. Said payments shall only be made for work actually completed.

§ 28. When a petition signed by two-thirds of the owners of the front feet of property of any block, street, part of a street or alley that is ordered to be constructed or reconstructed, asking that said improvement be made on the "ten-year plan," and binding themselves to pay, without defalcation, their respective proportion of the special taxes levied to pay for the cost of said improvement, is presented to the general council or appropriate committee or board, the general may, by ordinance, direct that the cost of constructing or reconstructing said block, street, part of street or alley, shall be paid on the "ten-year plan," in ten annual installments, payable one-tenth each year for ten years, the entire cost of said construction or reconstruction to be paid for by the owners of property liable for the special tax to pay for the said construction or reconstruction; and said general council, for the purpose of paying in cash for the cost of said improvement, is authorized to issue street bonds for the city, for an amount sufficient to pay for the entire cost of said construction or reconstruction, making one-tenth part of said issue of said street bonds due and payable each year for ten years. Said bonds shall bear interest at not exceeding six per cent. per annum, payable semi-annually. Said interest shall be paid by the city, and the principal shall be paid out of the annual tax levied on the property-holders. Said tax as collected shall be deposited to the credit of the sinking fund, and used exclusively for paying for said street bonds as they mature. A special tax shall be levied on the property liable for improvement and divided into ten annual payments, payable one-tenth each year for ten years, and so levied and collected on the

assessed value of the property liable for the said improvement. Said special taxes levied on this ten-year plan shall be a lien on the said property on which they are levied, and their collections made and enforced as other taxes, or the city may, in case of delinquencies in the payment of any installment of said tax, recover by proceedings in the circuit court, and a judgment given in favor of the city shall be for the total amount of the said delinquency, twenty per cent. damages, and ten per centum interest until paid.

§ 29. The general council shall make necessary regulations and prescribe the proper forms to be used in carrying out the provisions of the preceding section.

§ 30. Owners of real estate may be required to construct or reconstruct, curb or recurb and repair the sidewalks on streets and alleys in front of their property, and owners or occupants of real estate may be required, according to rules and regulations prescribed by ordinance, to keep in good order the sidewalks and gutters in front of their property, and also to clean and remove therefrom ice, snow, earth or other substance. The requirements of this section shall be deemed police regulations, and violations thereof may be punished accordingly by fine and imprisonment or both.

§ 31. The general council shall not appropriate money for any purpose whatever in excess of the revenue of the fiscal year actually collected and in the treasury at the time of such appropriation and unappropriated. Neither the general council nor any officer of the city shall have authority to make any contract or do any other act binding the city or imposing upon the city any liability to pay money until a definite amount of money shall first have been appropriated for the liquidation of all pecuniary liability of the city under said contract or in consequence of said act, and the amount of said appropriation shall be the maximum limit of the liability of the city under any such contract or in consequence of any such act, and said contract or act shall be *ab initio* null and void as to the city for any other or further liability.

ARTICLE —. EXECUTIVE DEPARTMENT. OFFICERS AND THEIR DUTIES—MAYOR.

§ 1. The chief executive officer of the city shall be the mayor. He shall be elected for a term of four years by the qualified voters of the city.

§ 2. The mayor shall be ineligible for the succeeding term after the expiration of the term for which he shall have been elected. He shall be not less than thirty years of age, and possess the same qualifications and rest under the same disabilities that are required of the members of council, and, in addition thereto, shall have been a resident and voter of the city not less than three years next preceding his election. He shall

commence the execution of the duties of his office on the first Monday in January succeeding his election, and shall continue in the execution thereof until his successor shall have been duly elected and qualified. He shall receive at stated times for his services a compensation, to be fixed by ordinance, not exceeding \$3,000 per annum. He shall see that all ordinances and by-laws of the city are executed and put in force; he shall see that all officers and employes of the city shall discharge their respective duties faithfully and efficiently, and upon their failure so to do shall report same to general council.

§ 3. He shall have power, except as otherwise provided in this law, to fill vacancies in office which shall not expire until such vacancies shall have been filled according to the provisions of this law. He shall have power to remit fines, penalties, forfeitures and costs imposed in the police court under law or ordinance of the city, subject to the approval of the general council. He shall have the care and superintendence of all the public property of the city, and shall execute all contracts for the city authorized and directed by ordinance, and shall see that all contracts with the city are conducted and completed according to the contract.

§ 4. He may require information in writing from the executive and ministerial officers of the city upon any subject relating to the duties of their respective offices.

§ 5. He shall from time to time give to the council information in regard to the affairs of the city, and recommend to their consideration such measures as he may deem expedient. He may for special reasons convene the council at any time.

§ 6. He shall keep an office at some convenient place in the city, as prescribed by ordinance, and shall have power to administer oaths.

§ 7. He shall see that every officer who is required to give bond has duly given said bond before he enters on the duties of his office. If the mayor permit any officer to be without bond, he shall be responsible for the defaults of such officer so long as the same shall continue.

§ 8. He shall annually require of the executive and ministerial officers of the city a detailed statement, in writing, of the business and condition of their respective offices, which annual statement he shall embody in a report with such other suggestions, recommendations and information as he may deem proper, which report he shall present to the general council, and which shall be ordered printed.

§ 9. Every proposed ordinance or resolution which has passed the general council shall be presented to the mayor, and if he approves it, he shall sign it; but if he disapproves it, he shall return it, with his objections, in writing, to the general council, and the general council shall then reconsider the same; and if two-thirds of the members-elect in each board concur in adopting it again, it shall be in full force and effect. In such cases

the vote shall be taken by yeas and nays, and recorded in the journal. Should the mayor withhold a proposed ordinance or resolution beyond the day of the next regular meeting of the general council, if five days have intervened between such presentation to the mayor and such meeting, it shall be in full force and effect as if signed. All applications for license which must be granted by the general council shall be submitted to the mayor for his approval, and such licenses shall not be granted without his approval, unless his veto is disapproved of by two-thirds of the members-elect of the general council.

§ 10. All legal process or notice of any kind for or against said city shall be executed upon the mayor thereof, who shall communicate the same to the general council at the next meeting, and shall also communicate the same to the proper officers of said city upon reception by him.

§ 11. The mayor shall discharge such other duties as may be required of him by ordinance.

BOARD OF PUBLIC AFFAIRS.

§ 12. There shall be an executive board to be known as the "Board of Public Affairs," to consist of four members, who shall be thirty years of age, freeholders and electors of the city. They shall be elected by the voters of the city at large for terms of four years, but at the first election in November, 1893, the two of the four elected who shall receive the lesser number of votes shall only serve for two years, and their successors shall be elected in November, 1895. In case of a tie, it shall be decided by lot who shall hold the long term. Each member of said board shall receive such salary and give such bond as the general council shall prescribe by ordinance.

§ 13. The mayor shall be *ex officio* chairman of the board, but shall have no vote except in case of a tie, and the auditor shall be *ex officio* secretary of the board, and shall keep and preserve in his office a complete record of the proceedings of the board, and perform such other duties as may be required of him by said board.

§ 14. Said board shall meet at its office at least once each week, and take under advisement such business as may come before it. Three members of said board shall constitute a quorum. Said board shall employ, for not more than four years at a time, at least one engineer, who shall be known as the city engineer; and appoint such additional engineers, inspectors, clerks, assistants and other persons as may be necessary to enable them to perform the duties and care for and manage the affairs committed to their charge; but the number of such appointees and the compensation of all employes of said board shall be provided by ordinance.

§ 15. The board of public affairs shall prepare, subject to approval of the general council, as soon as may be, a general plan

of laying out into streets and alleys all such portions of the territory now or hereafter included within the corporate limits of the city as shall not already be laid out at the time of the taking effect of this law, and shall indorse its approval thereon: *Provided*, That all streets and alleys shall be laid out so as to conform as nearly as possible to the lines and grades of streets and alleys now open, and that no street shall be less than fifty feet in width.

§ 16. After the taking effect of this law no plat of any addition to the city, or any subdivisions of lands in the city, shall be recorded or be of any validity, unless before such record the approval of the said board is indorsed thereon.

§ 17. Said board may require that before any street be paved the sewer, water and gas pipes be laid thereon, and connections made to curb or outside lines of the sidewalk lines in front of each lot. By and with the approval of general council, said board shall establish the grades of all new streets and alleys, and may modify the grades of existing streets and alleys, and may establish, extend or alter a system of sewers.

§ 18. Said board shall let all contracts for and supervise the paving, grading, construction and reconstruction of the sidewalks and roadways of all streets and alleys and public grounds in the city; the cleaning, sprinkling, repairing and improving of all streets, avenues, alleys and public places, the constructing altering, repairing of all public buildings, bridges, wharves, culverts, receiving basins, sewers, drains and water-courses within the city; the laying of gas, water and sewer pipes through any street or alley and the issuing of permits for the connection with any gas, water or sewer pipe; the laying down and repairing of all sidewalks, cross-walks, curbing and guttering; the constructing of all vaults under any portion of the streets.

§ 19. Said board shall exercise such other powers and perform such other duties in the superintendence of public works, improvements and repairs constructed by the authority of the general council or owned by the city as may be prescribed by ordinance. Said board shall make all necessary regulations for the government of the department not inconsistent with this law or any ordinance of the city. It shall be the duty of the board to keep an accurate account of all work done in their department, showing the amount expended for original improvements and construction, and the amount for repairs, superintendence, other expenditures, exhibiting the source of expenditure; and it shall be the duty of said board to make a report in writing to the general council once every three months, or oftener if thereto required, giving the expenditure of the work under their control, and a statement of the conditions proper and operation of the work in its charge.

§ 20. The board of public affairs, at the beginning of each fiscal year, shall submit to the auditor a statement of the estimated amount repquired by said board for repairs and improve-

ments during the ensuing year. Such statement shall be in detail, and the same shall be laid before the general council by the auditor. The general council, in the first apportionment ordinance of the fiscal year, shall set apart such amount as may be deemed necessary for the purposes of said board, payable out of the next annual revenue of the city.

§ 21. It shall be the duty of such board to keep books showing with accuracy the receipts and expenditures of the board in such manner as to enable the same to be understood and investigated, and also to preserve on file in the office duplicate vouchers for all expenditures, which books and vouchers shall at all times be open to the examination of the auditor, or to the financial committee of the general council, or to any member of the general council.

§ 22. All bills and accounts of said board, and all salaries and compensations of its officers, appointees and employes, shall be allowed and paid in the same manner that the bills, accounts, salaries and compensations of other officers, persons, appointees and employes of or against the city are paid.

§ 23. Said board shall have charge, control and supervision of the city's water, gas, electric light works, bridges, public buildings, wharves, markets, etc.

§ 24. Said board shall have charge of the purchase of all supplies needed by the city in its several departments, under such restrictions and regulations as may be prescribed by ordinance.

AUDITOR.

§ 25. The mayor shall, in October succeeding his election, appoint, with the advice and consent of the board of aldermen, an auditor for the term of four years, and until his successor is duly appointed and qualified. He shall not be less than twenty-four years of age, and a resident of the city for five years next preceding his election. The first appointment shall, however, be made as soon as the first mayor elected under this law shall qualify, and the auditor then appointed shall serve until his successor is appointed and qualifies.

§ 26. The auditor shall be the general accountant of the city, and as such it shall be his duty to receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts or contracts of the city, its debts, revenues and the fiscal affairs, and to adopt a proper mode and manner of double-entry bookkeeping. He shall state and render all accounts filed or kept in his office between the city and other persons, or body-corporate, except when otherwise provided by law or ordinance. He shall examine, adjust and audit all unsettled accounts, claims and demands against the city, for payment of which any money may be drawn from the treasury, and after having examined the same, with all accompanying vouchers and documents, shall certify thereon the balance or true state of such

claim or demand; but no such claim or demand, or any part thereof, shall be audited against the city unless it is authorized by law or ordinance, and is in proper and fully itemized form, and unless the amount required for the payment of the same shall have been appropriated for that purpose by the general council, or until a classified list of such claims and demands have been approved by the auditing committee and reported to and ordered to be paid by the general council. He shall have power to administer oaths, and may require statements of accounts to be verified by affidavit whenever he thinks proper, and he shall keep all accounts of the city, general and special, in a systematical and orderly manner. He shall keep all accounts and memoranda of claims against the city properly filed and indexed.

§ 27. He shall keep accounts of all money received by the city from any officer or agent thereof, either from collections, loans, sale of bonds, fees, fines, penalties, or otherwise, and see that they shall be deposited in the treasury regularly once a day, unless otherwise provided by law or ordinance; and in case the provisions of this section are not complied with, shall report such delinquencies to the mayor and general council. His books shall be public records, and open at all times to inspection by the mayor and members of general council, and, under proper regulations, to the public. He shall report the balance in the treasury each day to the mayor, and at the regular monthly meeting of the general council shall report the unexpended balances on all appropriations.

§ 28. He shall exercise a general superintendence over the fiscal affairs of the city; the collection and return into the treasury of all money and revenue of the city; the disbursement of all money and revenue of the city; of all property, assets and claims, and the sale or other disposition thereof; and by and with the consent of the mayor shall see that all necessary official and legal proceedings are had for the protection of the city's interests in all such property, assets and claims; that proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports connected with the fiscal concerns of the city; that no liabilities incurred or expenditures made on behalf of the city without due authority of law, and that appropriations are not overdrawn, and shall, with the mayor's written approval, do and perform any and all acts and things not inconsistent with the provisions of this law, and any ordinances thereunder, as may be proper to accomplish the duties contemplated herein. He shall make annual reports to the general council, and to the mayor on his request, on the financial condition and requirements of the city, with careful estimates of receipts and expenditures. The records of his office shall show the financial operation, conditions, property, assets and claims of the city, the expenditures authorized for public works,

and all contracts, with the names of contractors in which the city is interested, and the bonded and other indebtedness of the city. He shall countersign all warrants drawn on the treasurer for any payments, and shall duly record the amount and nature of the same. He shall have access to the books and other records of any department under the city government whenever he so desires, and he shall see that the accounts of the city are kept in a plain and methodical manner. He shall have a seat in the general council, with a right to debate on any question pertaining to his department, but he shall have no vote.

§ 29. Should any judgment be rendered against the city for which no provision has been made, by ordinance or otherwise, he is authorized, with the approval of the mayor and general council, to effect a temporary loan to meet the same, and to do and perform all other acts, with the approval of mayor and council, necessary to preserve the credit and prosperity or rights of the city. He shall keep the public seal of the city, and affix the same when required by law.

§ 30. He shall have the custody of the public records, the originals and engrossed copies of ordinances of the city; all original contracts, deeds and certificates relative to the title of any property of the city; all official, penal, indemnity and security bonds, and such other records, papers and documents of value as are not required to be deposited in any other office, all of which shall be registered by number, date and contents. He shall keep the contract book and ordinance book of the city, and have all contracts and ordinances accurately entered and engrossed in said books, respectively. He shall attest all public instruments and official acts of the mayor by his signature and the seal of the city, make copies of such original documents, records and papers in his office as may be required by any officer or person, and charge therefor such fees as may be provided by ordinance, said fees to be for the use and benefit of the city. He shall have general supervision of the public printing and see that it is properly executed, and shall file and preserve in his office printed copies of all ordinances passed by the general council which become laws; shall register and preserve in his office all contracts, bonds, oaths, or affirmations taken or given by city officers or employes, and may administer such oaths or affirmations. He may appoint such clerks as he may require, subject to the approval of the mayor and general council, at such salaries as may be fixed by ordinance. He shall give bond for the faithful performance of his official duties in the sum of not less than thirty thousand dollars, with such solvent security as may be approved by the mayor and council, and shall receive such salary and perform such other duties as the council may provide by ordinance.

CITY CLERK.

§ 31. There shall be elected by each board of the general council a clerk for each board, who shall hold his office for a term of four years, and until his successor shall be elected and have qualified. No person shall be elected to the office of clerk for either board who, at the time of his election, is not twenty-four years of age, and an elector of the city. His term shall commence on the first of January succeeding his election, and he shall give bond in the sum of five thousand dollars for the faithful performance of his duties before he shall proceed to the discharge thereof.

§ 32. It shall be the duty of each clerk, in person or by deputy, to attend all meetings of the board by which he has been elected, both in joint and separate session, and to keep a true record, properly indexed, of the proceedings of the respective board of which he is clerk; to promptly and without delay present to the mayor for his consideration and action all ordinances, resolutions or by-laws passed by the board in which said documents originated, taking the receipt of the mayor therefor, showing the date of delivery to the mayor, and shall also note of record the action of the mayor thereon.

§ 33. Said clerks shall deliver to the auditor all ordinances, by-laws, resolutions, contracts, original papers and documents of every character, taking his receipt therefor, showing the date of delivery, which receipt the clerk shall note of record; but no ordinance, by-law or resolution shall be so delivered until the same shall have become a law and in force and effect save as to publication.

§ 34. The clerk of the board of aldermen shall sign all warrants on the treasury, shall issue all licenses authorized or required by law or ordinance, and shall make out and copy all assessments, license and tax-books, as may be prescribed by law or ordinance, and deliver same to the proper officials.

§ 35. They shall perform such other duties as may be prescribed by ordinance or authorized by law, and shall receive such salary as may be fixed by the general council.

CITY TREASURER.

§ 36. There shall be elected by the qualified voters of the city a city treasurer, who shall hold his office for four years, and until his successor shall have been elected and qualified. He shall be eligible to re-election to succeed himself. No person shall be eligible to the office of city treasurer who, at the time of his election, is not twenty-four years of age and an elector of the city.

§ 37. The treasurer shall give such bond and shall receive such salary as the general council shall, by ordinance, provide. In addition to such other duties as may be provided by ordinance, he shall receive all funds of the city and deposit them in the

city depository before he shall pay out any of them, and he shall not pay out any money save on duly authenticated orders, and then by check or order on the city depository. He shall make daily deposits in such depository of all money received by him for the city in the preceding twenty-four hours. He shall furnish to the auditor, once in each month, and at any time when demanded, a certificate from the city depository showing the balance on hand to the credit of the city, and also a statement of the gross amount and numbers of the warrants or orders on the treasurer, paid by him since his preceding report.

CITY JAILER.

§ 38. There shall be elected by the general council of the city a city jailer, who shall hold his office for the term of four years, and until his successor shall have been elected and qualified. No person shall be eligible to said office who, when elected, shall not be twenty-four years of age and an elector of the city. He shall give such bond, and shall receive such salary or fees, and perform such duties, as may be prescribed by ordinance.

POLICE AND FIRE COMMISSIONERS.

§ 39. There shall be a board of police and fire commissioners, to consist of the mayor as president *ex officio*, who shall vote only in case of a tie, and four members, two of whom shall be appointed by the general council and two by the judge of the circuit court. They shall serve for four years each, but at the first appointment shall serve, one for one year and one for two years, one for three years and one for four years, and shall determine which shall serve for each of said terms by lot. At the expiration of the incumbent for the one-year term, his successor shall be appointed by the power that appointed him; but thereafter the council and the judge shall alternately appoint, except vacancies shall be filled by the power that appointed the person whose office becomes vacant. No person shall be eligible to said board who shall not, when appointed, have been a *bona fide* resident and a qualified voter of the city for two years next preceding his appointment.

§ 40. The said commissioners shall have full control over the police and fire departments of the city, together with all the property and paraphernalia thereof, or belonging thereto, and may make or ordain and put into execution such by-laws, rules and regulations, for the government of said departments, as may be deemed expedient, and may prescribe the qualifications of the firemen and officers and members of the police and fire departments, respectively. They shall appoint a chief of police and a chief of the fire department, and fix their terms of office and prescribe their duties, and they may grade the officers of said departments and prescribe their several duties.

§ 41. They are expressly charged with the duty of having the chiefs and the members of the fire department to faithfully discharge such duties as may be imposed by law or prescribed by ordinance, and to that end may remove any member of either department with or without cause.

§ 42. The number of firemen or policemen and officers of either department may be such as the general council may, from time to time, ordain, and may be increased or diminished upon petition of the commissioners in that behalf; and the general council shall, by ordinance, provide for the payment of salaries of the firemen and policemen and officers of either of the said departments and other expenses thereof.

§ 43. The appointment of policemen and firemen, as well as their government and discipline, shall be under the control and authority of the chief of police and fire departments respectively, subject to such rules and regulations as the board of commissioners may prescribe; and the chief of either department may suspend any member of his department subject to removal by the board.

§ 44. Each member of the police force, before entering upon the discharge of his duties, shall take an oath before the mayor to well and truly discharge the duties of his office, which oath shall be subscribed by the person taking it, and shall be preserved on file in the office of the auditor. Each policeman shall give such bond as may be prescribed by ordinance, with securities satisfactory to the police and fire commissioners, for the faithful discharge of his duties.

§ 45. It shall be the duty of the chief of the fire department to be present at all fires, and investigate the cause thereof, and may examine witnesses, compel the production of testimony, administer oaths, make arrests, and enter any building for the purpose of examination which, in his opinion, is in danger from fires; and he shall report his proceedings to the board of commissioners at such times as may be required. Said chief shall direct and control the operations of the firemen at all times, and they shall obey his orders and directions, and he shall have full access to and use of all cisterns and fire-plugs, and of the waters of the water-works, or the cisterns of private persons, for the purpose of extinguishing fires; and he shall, at all times, have access to, and right to examine, all cisterns and all plugs and pipes of the water-works; to see that the same are in proper condition for use in case of a fire; and he shall have full control of all buildings belonging to the fire department, and of all horses and other appliances and apparatus provided for said department, and of the firemen at all times in the discharge of their duties, and shall perform such other duties not herein specifically imposed as the board of commissioners shall prescribe.

§ 46. The board of commissioners shall receive no pay for their services; the clerk of the board of councilmen shall be

the clerk of their board, and he shall keep a full record of all their proceedings, and shall compile such statistics as the board may be required by ordinance to collect and preserve; and said board shall make such annual reports as the general council shall from time to time require.

ARTICLE VI. JUDICIAL DEPARTMENT.

§ 1. There shall be established in and for each city a court, to be called the police court, to be presided over by one judge to be elected by the qualified voters of the city for a term of four years, who shall receive a reasonable compensation to be fixed by the general council. No person shall be eligible for the office of judge of the police court who is not, when elected, twenty-four years of age, and who has not been a citizen and elector for five years next preceding his election.

§ 2. Said court shall have exclusive original jurisdiction in all prosecutions for the violation of the ordinances of the city, and jurisdiction and powers concurrent with justices of the peace of all pleas of the Commonwealth arising within the limits of the city, and shall have power and authority to take recognizances from persons charged with offenses recognizable before said court to appear and answer the same as the circuit courts have, and a like power to enforce compliance with the same, and as to committing criminal offenders and sending them on for trial. Said court shall have all power given by the general law to examining courts.

§ 3. Said court shall have jurisdiction of all cases of petit larceny and vagrancy arising in said cities respectively, and the justices of the peace are hereby required to make the recognizances of all persons charged with being vagrants or with petit larceny within said several cities returnable to the police court instead of the circuit court; and upon conviction of vagrancy or petit larceny, the person so convicted shall be sent to labor in the city prison or work-house for not less than one nor more than twelve months. Presentment for indictment by a grand jury shall not be necessary in cases of vagrancy or petit larceny, but the person charged with either of these offenses may be arrested on warrant and tried by the police judge, and if found guilty, convicted by him. Women may be so tried and convicted on the charge of being vagrants.

§ 4. Said court shall be holden at such places as the general council shall designate, or they failing to designate a place, at such places as the judge shall select, and the judge shall have power to fix such time for the holding of his court as in his discretion the cases coming before him for trial may seem to him to require; but he shall hold court once in each day. Said court shall be a court of record, and shall have a seal, which shall be in the custody of the judge or clerk of the court, to be used and affixed by said judge or clerk as the seals of the circuit court are.

§ 5. That all persons committed by said court for default of surety, for good behavior or to keep the peace, and all others whom the city is bound to maintain when committed to jail, shall be confined in the city work-house or prison; and they may be compelled to labor as many days at fifty cents a day as may be necessary to defray the reasonable cost of their board, to be from time to time determined by the general council.

§ 6. The general council shall have power by ordinance to fix and regulate witness and jury fees of the said police court: *Provided*, That said fees shall not exceed those allowed by law in the circuit court.

§ 7. All fines and penalties collected in the police court shall be for the use and benefit of the city, and the officer collecting such fines and penalties shall make daily reports of such collections to the treasurer, taking duplicate receipts therefor, one of which shall be delivered to the auditor.

§ 8. Said court may award all process, original, mesne and final, that may be deemed necessary and proper for the due distribution of justice within its jurisdiction. Said process may be directed to and executed by the chief of police or any policeman, sheriff or constable within the State.

§ 9. The judge of the police court shall act as the clerk of his own court, unless otherwise provided by ordinance, or may appoint a clerk for his court; the city, however, shall not be liable for the compensation of such clerk if so appointed.

§ 10. Said judge, in all causes tried before said court, may empanel a jury, and where the punishment may be a fine of \$25 or more, or imprisonment in the jail or work-house, other than the commutation of a fine, the defendant may demand a jury. A jury in said court shall be summoned by the chief of police or police officer under his direction. They shall have the same qualifications as is required of jurors in the circuit court, and the court shall have the same power to hold or excuse their attendance that circuit courts have.

§ 11. All regular policemen of the city shall be officers of the said court, and the chief of police, or some policeman delegated by him, shall be a constant attendant upon the sessions of the said court and subject to its orders.

§ 12. Said court may assess, in addition to fine or imprisonment, any sum in his discretion not exceeding three dollars, as costs against any defendant when convicted of any offense for which, if not paid, the defendant shall be committed to imprisonment in jail or work-house as in case of fines. All fines, costs and forfeitures shall be collected by the chief of police and paid into the city treasury, and a duplicate receipt shall be given therefor, one of which shall be filed with the city auditor.

§ 13. The city judge shall keep a register of all replevin bonds taken by the court; and as soon as replevin bonds fall due he shall notify the principal or sureties of its maturity; and if the same are not immediately paid, he may enforce the

payment thereof against any or all said persons by proceedings as for contempt.

§ 14. The territorial jurisdiction of the said court shall be co-extensive with the corporate limits of the said several cities, and said courts and cities bordering on the Ohio river shall have jurisdiction over said river opposite to the city to low watermark on the Ohio side, and in cities on the Licking river over said Licking river to the opposite shore.

§ 15. The general council in joint session shall elect a city attorney, who shall hold his office for two years. The city attorney shall appear for the city in all cases in the police court, and prosecute or defend in behalf of the city all appeals from the decision of the said court in which the city may be a party or in any way interested, and shall perform such other duties as the general council may prescribe by ordinance.

§ 16. The general council in joint session shall, every four years, elect a city solicitor, who shall appear for the city, and attend to all cases in any and all courts wherein the city may be a party complainant or defendant, or a party in interest; he shall give advice to any and all city officials, and to the general council, and shall attend the meetings of the general council, or any committee thereof when requested, and shall supervise the preparation of all contracts to which the city may be a party, and perform such other duties as may be prescribed by ordinance, and he shall render like service to the board of education of the city.

§ 17. The city solicitor and the city attorney shall be paid such salaries as the general council shall deem proper.

§ 18. The chief of police shall, by himself or any policeman acting under his authority, attend all sessions of the general council and of the police court, execute the orders thereof and preserve order thereat; he shall, by himself or policemen acting under his authority, execute all orders emanating from the police court directed to him. He shall collect the fees of the judge of the police court and of the mayor if required. He and policeman acting under him shall execute such bond, with such surety as may be required by ordinance, to the city, conditioned that they will faithfully perform all the duties of their office, and pay over all sums of money that may come into their hands to the persons entitled thereto; and a lien shall exist on the lands of the chief of police or policemen deputized by him and their sureties, and from the time of executing bond, for all sums of money that shall come into their hands. He shall be entitled to receive the same fees for the use of the city for like services which sheriffs are entitled to receive, and have the same power to collect them. He and policemen deputized by him, and all others to whom the process of the police court shall be directed and come to execution, shall be bound to execute and return the same within the time prescribed by law for sheriffs to execute and return similar processes; and on

their failure, they and their sureties shall be liable to the same fines and penalties that sheriffs are, and also for not paying over moneys collected on execution and making illegal charges for false returns and other illegal acts; and said court shall have power to hear and determine motions against them and their sureties for failure to pay over said moneys so collected in like manner as the circuit court has power and jurisdiction to hear and determine motions against defaulting sheriffs, or to proceed by fines and imprisonments to enforce the due execution and return of process as other courts require; and for their services the chief of police and officers appointed by him shall receive such salary as the general council, by ordinance, may provide.

§ 19. That a return of "not found" on a *capias pro fine*, and "no property" found on a *feri facias* issued on judgments in the said court, shall authorize an attachment out of the chancery in favor of the Commonwealth, or of the city against the chases in action and effects of the defendant or defendants, in the same manner that the return of "no property" authorizes an attachment on judgments in the circuit court.

§ 20. In the absence of the police judge at any session of the police court, or if in any case it may not be proper for him to sit, the mayor of the city may act in his stead, and in the absence of both the police judge and the mayor, or if in any case it may not be proper for either of them to sit, the members of the bar present may elect one of their number to act as police judge *pro tempore*, and the mayor or such person so elected, as the case may be, shall have the same judicial authority, and exercise the same judicial powers for the time being, as are possessed and exercised by the police judge under this law. Such *pro tempore* judge shall be paid the same salary for the time he acts as is allowed by law to the regular judge, to be deducted from the salary of such regular judge.

REVENUE AND TAXATION.

§ 1. For the purpose of raising revenue from ad valorem taxes, a poll-tax and license fees, one or more of them, and to that end are hereby authorized and empowered to assess all real estate within the corporate limits subject to taxation by the State, and to levy and collect an ad valorem tax on same to the maximum rate permitted by the Constitution; to levy and collect a poll-tax, not exceeding one dollar and fifty cents on each inhabitant who has attained twenty-one years of age, and to impose and collect license fees on stock used for breeding purposes; on franchises, trades, occupations and professions.

§ 2. All taxes and license fees shall be levied or imposed by ordinance only. Ordinances levying taxes or imposing license fees shall distinctly specify the purpose or several purposes for which the same were levied; failure so to do shall render the ordinance invalid. Revenue shall be expended for no other

purpose than that for which it is collected ; and if it shall, the officer or officers, agents or employes, who could, by a refusal to act, have prevented the expenditure, and the members of the general council who voted for the expenditure, shall be jointly and severally responsible and bound to the city for the amount of such expenditure. And it may be recovered of them in an action upon the bonds of those having them, or personally against any or all of them. And it shall be the duty of the city solicitor to institute and prosecute to recovery such actions ; and if he fails to do so for six months after he shall have knowledge of the same, any person may institute the action and shall have one-half of the recovery. A recovery hereunder shall not militate against the criminal prosecution herein elsewhere provided. No person within the corporate limits of the city shall be subject to capitation tax other than above provided. No person or property within the corporate limits of the city shall be subject to taxation for county purposes other than paying the salaries for the public officers and the maintenance of the court-house and jail.

§ 3. The fiscal year shall end at twelve o'clock at night on the 31st of December of each year. As soon as this law shall take effect, the general council shall cause to be made a plat, which shall show all the territory within the corporate limits of the city, and all the streets, alleys, lanes, public parks and places, designating each by name, and shall number the blocks consecutively. A block shall mean the least territory entirely surrounded by streets, lanes, alleys or public places, or all or either of them, and also plats, each of which will show one or more blocks, and show all the pieces of property owned by different persons, or used as distinct lots. Each of said pieces of property or lots shall be numbered consecutively. Whenever the corporate limits of the city shall be extended, the territory added shall be indicated on the plats above provided for, or new ones be made, or both, to conform in every way with the old plats. They shall also cause to be made and maintained an index to the plats, which show on one line the number of the block, the number of the lot in the block, the name of the owner, or, if non-resident, the agent of the owner, and the street and house number of the owner's or agent's residence, and a cross-index showing the names of the owners, and all the lots they own. Said plats and indexes shall be bound in one or more books, and shall be carefully preserved in the Auditor's office. A description of any lot in said city by the number of the block and lot in the block shall be a sufficient description in all tax-bills, and such description in all conveyances shall be sufficient to pass the title to the parcel of ground which is so designated on the plats of the city.

§ 4. The general council shall, in joint session, at the first regular meeting in June every five years, elect an assessor, and the said assessor may appoint, subject to the approval of general

council, as many deputy assessors as may, from time to time, by ordinance, be provided. No person shall be elected as assessor who, at the time of his election, is not thirty years of age, a housekeeper, and the owner of real estate in the city, a voter therein, a citizen of the State, and shall have been a resident of the city for eight years preceding his election. No person shall be appointed deputy assessor who, when appointed, is not twenty-five years of age, a voter in the city, and a citizen of the State, and who shall not have resided in the city for four years next preceding his appointment. The assessor shall hold office for a term of five years from the first of July in the year of his election, and until his successor shall have been elected and qualified. Deputy assessors shall be appointed for the unexpired term of the assessor, but may be removed at any time by the assessor. The assessor and his deputies shall qualify by taking a constitutional oath and giving such bond as may, by ordinance, be required, and shall receive such salary as the general council, by ordinance, shall fix. Any assessor or deputy assessor, who shall knowingly fail to assess any property, real or personal, subject to assessment for city taxation, shall be guilty of a misdemeanor, and, on conviction thereof in the circuit court, shall be fined not less than one hundred dollars nor more than one thousand dollars, and shall forfeit his place, and shall not be re-elected or re-appointed thereto again until after the lapse of five years. Any assessor who shall fail to assess any lot or parcel of ground in the city shown on the plat-books in the auditor's office, subject to taxation by the city, shall, on conviction thereof before the circuit court, be fined a sum equal to the taxes on said lot or property for the year and one hundred dollars.

§ 5. The first assessor elected hereunder shall assess all the property in the city the first year as nearly, as required by this law, as may be.

§ 6. As of September 15th, 1895, and every five years thereafter, all the real estate in the city shall be assessed, and said assessment shall not be increased in the intervening years except by the board of equalization, upon notice as hereinafter set forth, and shall not be decreased except by said board, and for no cause other than the destruction of the improvements on the land. The assessor shall, however, in each intervening year, report to the board of equalization all improvements made upon real estate in the city, specifying the lots upon which it has been made, and the estimated value of the same, and to aid him in this, the general council shall pass an ordinance providing for the issual of building permits, and punishing the making of all improvements of the cost or the value of more than one hundred dollars without such permit; and requiring written applications therefor, specifying the lot or lots to be improved, the name of the owner of them, and contemplated cost. The assessor shall assess the real estate by number of the block and

the number of lot in the block, and he shall value the land and the improvement separately and together in appropriate columns. He shall give the name of the owner or owners, if known, or if unknown, shall so indicate; but any mistake as to the owner or owners or names shall not in any way affect the assessment if the lot be identified. There shall be a separate book or books for the assessment of real estate. Where two or more lots belong to the same person they shall be grouped together, and the owners' names shall be entered in alphabetical order. On or before the first day of December in the year the assessor assesses the real estate he shall cause to be mailed to every known owner resident of the city, and to the resident agent, if any there be, of every known owner non-resident of the city, a postal card, informing them of the gross amount of the assessment of real estate supposed to belong to them, and directing all complaints to be made to the board of equalization. Failure to send such notice shall not affect the assessment, but shall subject the assessor to a fine of one hundred dollars, to be imposed, upon conviction thereof, in the circuit court.

§ 7. On or before the first day of September in each year the assessor shall give public notice, by advertisement in the official newspaper of the city, and by handbills posted through the city, that all persons owning or having in their possession, or under their control as agent, guardian, committee, executor, administrator, curator, trustee, receiver, commissioner or otherwise, tangible or intangible personal property, on the 15th day of September following, are required, on or before the first day of October, to give him a true and complete list of the same, with true cash value thereof as of the 15th day of September, under oath, upon forms to be furnished upon application by said assessor at his office; and that all merchants in the city doing business for themselves or others shall, in like manner, in addition thereto, state the highest amount in value of all goods, wares, merchandise owned or kept on hand for sale by said merchants during the twelve months next preceding such 15th day of September. The assessor and his deputies shall be authorized to administer oaths and affirmations, and may examine, on oath, any person touching his personal property and the value thereof, and may examine merchants on oath as to the statements they are required to make. The assessor shall keep his office open, and be himself, or have a deputy in attendance, during the hours from 8 A. M. to 6 P. M., or such other or additional hours as may by ordinance be fixed from the 15th day of September to and including the 15th day of October, excepting Sundays and legal holidays. The assessor shall constantly keep on hand and furnish to persons lawfully requiring the same all necessary blanks and form for the lists and statements required by this law. All persons required by this section to give any lists or make statements, who shall not have done so at the close of office hours on the 15th day of October, shall, as soon as

the assessor may ascertain them, be reported to the police judge, who shall cause a warrant to issue for their arrest; and he shall, if they be convicted in his court of having so failed, impose a fine of ten dollars and costs against them, and direct them to appear before the assessor or his deputy at his office at the close of the trial, and give in the list or statement required of him; and if the person shall do so to the satisfaction of the assessor or deputy who may receive the list or statement, they shall so certify to the police judge, who shall have power to enter a satisfaction of the fine, but not the costs. If, however, said person shall fail for twenty-four hours after the close of said trial, to appear before the assessor or his deputy, and give in said list or statement as required, then, upon conviction thereof before the police court, he shall be fined one hundred dollars and costs, and the assessor may appear in said court and there propound questions to him as to his property to aid in assessing it; and the court shall compel, by process of contempt, answers, to be made to all proper questions. Nothing herein shall, however, prevent the assessor from assessing, from the best information he can gather, and where an assessment has been made against a person who has had actual notice to appear and list his property or make statements thereof, and fails to do so, the same shall not be decreased, but may be increased by the board of equalization. If any person refuse to attend when summoned or to be sworn to answer, or to answer any question propounded to him by the assessor or his deputy, the assessor or deputy may, in writing, under oath, state the question, the refusal to answer it, and ask the police judge to issue a warrant against such person; and if the question appear to be a proper one, the judge shall issue a warrant and the person shall, on conviction of having refused to answer the question, it being found by the court to be a proper one, be fined ten dollars, and there compelled by process of contempt to answer the question, and such proper questions as the assessor may propound to him. Every joint stock company or corporation shall, on or before October 1st of each year, by its chief officer in the city at the time, furnish the assessor with a list of all stockholders, showing the number of shares of stock held by each on the books of the company at 12 o'clock noon on the 15th day of September, the par value of the same, amount of same, and the market value of the same. Said statements shall be made on oath, and a failure to make it shall subject the joint stock company or corporation to a fine of five hundred dollars, to be imposed on conviction thereof by the circuit court of the county. The assessor shall assess personal property in a separate book, in which he shall separate tangible from intangible property. He shall also separate the different classes in such manner as may, by ordinance, be required. The word person, as used herein, shall mean natural and artificial persons, and the duties enjoined on them shall, in case of artificial per-

sons, be performed by the chief officer or agent in the city at the time. Whenever the assessor shall ascertain that there has, in any former year or years, been any property omitted which should have been taxed, he shall assess the same against the person who should have been assessed with it, if living, if not, against his representatives.

§ 8. On or before the first of December in the year the assessor shall assess the real estate, he shall return his real estate book or books, certified by him to be a full, careful and honest assessment of all real estate within the corporate limits of the city subject to assessment, to the auditor; and every year, on or before the said first day of December, he shall return his personal estate book or books, certified by him to be a full, careful and honest assessment of all personal property subject to taxation by the city known to him, to the auditor. And in the years when he shall not assess real estate he shall deliver to the auditor his report to the board of equalization of the improvements made on real estate as required by section six hereof, certified by him to be a full, careful and honest list of all improvements made on real estate during the year preceding the 15th of September of that year known to him, or of which he could inform himself; and he shall take the auditor's receipt therefor in duplicate, one of which he shall transmit to the general council at its first regular meeting in December. All said books and said reports shall remain in the auditor's office subject to the inspection of the public until they shall be transmitted to the board of equalization as hereinafter provided.

§ 9. There shall be a board of equalization, to consist of five citizens, selected by the council at its first meeting in December each year. No person shall be selected as a member of said board who shall not at the time be a housekeeper and owner of real estate in the city, and shall not have been a resident thereof five years next preceding his election. Said board shall be paid such compensation as may by ordinance be fixed, and shall meet at a suitable place to be provided by the city on the first Monday of January of each year. They shall first be duly sworn to faithfully discharge their duties; shall elect from among themselves a chairman and a clerk, and shall then notify the auditor that they are ready to receive the assessment books, which the auditor shall deliver to them, taking their receipt therefor. The assessor shall be in constant attendance on said board, and shall furnish them all the information he can. They shall have power to cause all city records to be brought to them for their inspection by the custodian thereof, and if it be necessary to retain them for defense, may do so by receipting therefor to the custodian thereof. They may also interrogate any city official who shall, at their request, attend them, and respond to all questions. They shall each have power to administer oaths, and they shall have power to compel the attendance of witnesses; and all persons who shall refuse to attend them, or

to be sworn by them, or refuse to answer any questions, shall be subject to the same penalties as provided for like refusal to the assessor. Whenever the assessor shall have assessed real estate, they shall first compare his real estate book with the plat books in the auditor's office, and see that every parcel of real estate in the city has been assessed; and if they find that any has been omitted, shall certify the same, giving the number of parcels that have been omitted to the city solicitor, who shall enforce the penalty provided in section four against the assessor for so doing; and they shall assess the parcels omitted. In the years in which real estate has not been assessed they shall take the assessor's report of the improvement, and from that, and from such other information as they can obtain, cause notice to be given to each person whose property may have been improved in the year preceding the fifteenth of September last past; said notice shall be served by the chief of police or any policeman, leaving a copy with any person over sixteen years of age found on the premises, or, if none be found, by posting notice on the premises. After the return of the notice they shall proceed to assess the improvement, and add it to the former assessment of the property. They shall hear all applications for deductions, and cause of destruction of improvements, and determine the same. They shall hear all complaints against the assessment made by the assessor and shall determine the same. They shall increase or decrease assessments on like property, to make all assessments as uniform as may be, or to place a true value on the property assessed; but no increase shall be made without notice to the person whose property is to be increased, and they may, in the assessment of real estate, increase or decrease all assessments uniformly, by adding or subtracting a percentage of the assessments; and a notice of such increase need not be given, except by publication in the official paper of the city. Said board shall remain in session as long as the business may require, but not to exceed sixty days. Three members shall constitute a quorum, and the majority of a quorum may determine any question before it. No change in any assessment shall be made by erasure, but there shall be appropriate columns for all changes and additions, and same shall be made in a different colored ink to that which the assessor has used. When said board shall have completed its labors it shall prepare a statement of the gross assessment of real property and the gross assessment of personal property and the sum thereof, and also showing the increase and decrease, if any, in the total assessment made by them, under their signatures, which they shall return to the auditor with all assessment books, plats and papers received from him, taking his receipt for the same, which they shall transmit to the board of general council.

§ 10. The auditor shall carefully verify the statement of the board of equalization, and the assessment books returned, and if it be correct, he shall certify the same. If, however, he finds

a mistake, he shall cause said equalization board to meet, and together they shall ascertain the correct amount, and the certificate of the board, indorsed by the auditor as correct, shall be by him, at the first meeting in March in each year, transmitted to the general council as a basis on which they shall predicate the annual levy ordinances.

§ 11. If the city, by ordinance, so direct, a poll-tax shall be collected, and they shall prescribe in the ordinance how those required to pay the same shall be ascertained, and how the same shall be collected and accounted for. And they may also provide, by ordinance, that the payment of the same shall constitute a qualification for voting at all municipal elections.

§ 12. In the month of March of each year the general council shall pass an ordinance levying and providing for the collection of an *ad valorem* tax on the assessed valuation of the property in said city as certified to them, which, with the estimated revenue from other sources, shall be sufficient to meet the anticipated expenditures for the current year, and said ordinance shall specially fix the rate of taxation for each item of expenditures, and shall also apportion all other estimated revenue to such items of expenditure as they may determine.

§ 13. *Ad valorem* taxes shall be due and payable, without demand therefor, at the treasurer's office, one half each on the first of June and the first of December in each year, but the whole tax for the year may be paid on or after the first day of June. Tax-bills which shall not have been paid during the first calendar month after they are due shall have added to them a penalty of ten per cent. on the amount of same, and after the first Monday in the sixth calendar month after they are due they, including the penalty, bear interest at the rate of fifteen per cent. per annum; and when they shall have been bearing interest for one year there shall be an additional penalty of ten per cent. added to the amount of the bill, penalty and interest, and thereafter the gross amount of the bill, interest and penalty, shall bear interest at the rate of six per cent. per annum. There shall be no power in the city or any of its officers to remit or postpone penalties.

§ 14. As soon as the tax levy ordinance becomes a law the auditor shall deliver the assessment books to the clerk of the board of aldermen, who shall from them make out tax bills. Said bills shall show each lot, and the assessment thereon, and the tax, separately, and shall give the name of the supposed owner, and shall give the net total assessment of personal property against said person, and the tax thereon, and shall be so arranged that the items of the tax on real estate can be detached from the items of tax on the personal property, and that each half year may be detached and have each part intelligible. There shall be a stub to each bill, which shall show, in condensed form, the items and amounts in the bill, and the bills and stubs shall be numbered consecutively, the stub to correspond with

the bill to which it is attached. Bills and stubs to be bound in book form. On or before the first day of May in each year, the clerk shall deliver the assessment books and tax bills, fully made out, to the auditor, and together they shall ascertain whether the sum of the tax bills equals the amount of tax which, at the rate fixed, the total assessment should realize, and if it does not, they shall find and correct the error. When the two agree, the auditor shall receipt for the assessment books and the tax bills. On or before the twentieth day of May in each year the auditor shall deliver all tax bills to the treasurer and take his receipt for the gross amount of them.

§ 15. The treasurer shall collect all ad valorem taxes, and all license fees, and shall either collect or receive from the collecting officer the poll-tax. He shall make the daily reports to the auditor of all money received by him for the city during the preceding twenty-four hours, specifying the source of the revenue. He shall, when collecting the ad valorem taxes, certify to the auditor, at the close of the last day on which bills can be paid without penalty, the numbers of the bills which have been paid. On the first Monday in the fifth calendar month after each half year's bill is due he shall tear the same out of the book and return them to the auditor, taking his receipt therefor, and when he returns the second half year's bill he shall make a full and complete settlement with the auditor, and when the same is approved by the general council, receive his quietus for ad valorem for the year. The treasurer shall always note on the stub of the bill the amount paid on same, when paid, and date thereof, and if returned to the auditor, that fact. When any person shall desire to pay taxes on any one item of a tax bill, the bill shall be torn out and returned to the auditor, who shall make out as many bills as may be necessary to enable the payment desired to be made, and to supply the bill returned. On the stub of the bill returned shall be marked "Divided," with the numbers of the substituted bill, and the substituted bill shall be made out on blank bills to be left at the end of the tax bill books for that purpose.

§ 16. Annually, at their first meeting in December, the general council shall select a city depository, which shall be one of the incorporated banks in the city. All the funds of the city shall be deposited in said depository.

§ 17. When the treasurer shall return the tax bills to the auditor, the auditor shall separate the personalty and realty bills. The former he shall deliver to the delinquent tax collector, taking his receipt for the same. From the latter he shall make out a list, giving block and lot numbers, and total tax due, and a notice that the treasurer will, on the first Monday in the next month, sell at the court-house or city building door, in the city, at public auction, to the highest bidder, for cash, each of said tax bills, unless they are in the meantime paid to the treasurer. This list shall be published for at least two weeks in the city's

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official paper ; the auditor will then return the realty bills to the treasurer, who will, on said day, offer for sale, as advertised, such bills as may remain in his hands unpaid. If no one shall offer the face of said bills for them, he shall buy them in for the city. The owner or owners of any lot, the tax bill of which has been so sold, shall have the privilege of redeeming same within one year of the day of sale, by paying to the treasurer the said bill, with all penalties and interest, as herein provided, to the day of payment. Purchasers at said sale shall not receive the tax bills, but shall receive certificates for their purchase, on surrender of which certificate, at any time after the treasurer has been paid, the bill named in the certificate, he shall receive from the treasurer the amount paid, and on surrender at the end of the year shall receive the bill with the year's interest at fifteen per cent. per annum, and ten per cent. of the sum of the bill, penalty and interest, all added by the treasurer ; and he may, at any time thereafter, in appropriate action, enforce the lien on the property for the full amount of the bill with legal interest from date of delivery to him. The treasurer shall make a full and complete report of said sale to the auditor. The city shall in no manner be responsible to purchasers for money received by the treasurer on bills purchased by them, but the treasurer and his official bond shall be held for the same. Tax bills for the succeeding year against property or persons delinquent for preceding years shall be stamped "See delinquent bills," so that attention will be called thereto ; and where the city owns the delinquent bill the treasurer shall credit the money paid first to those bills, except he will not credit money offered on a realty bill to a personalty bill. When the city shall buy in the tax bills the city solicitor shall, by proper proceedings in the name of the city and the circuit court, enforce the lien on the property for the city. Tax bills shall be *prima facie* evidence of the regularity of the assessments and levy of the tax, and of the additional penalty thereto. Any purchaser of tax bills may, as soon as any tax, State, county, district or city, on the lot named in the bill, becomes delinquent, pay the same, and he may, in his original or in an amended petition, exhibit the same, and have judgment including same. The circuit court shall have jurisdiction of proceedings to enforce liens for all taxes without regard to amount of same.

§ 18. Council may in the month of December elect a delinquent tax collector for a term of two years, who shall have the same qualifications as the treasurer. His duties, bond and compensation, which may be by fees, shall be or may be fixed by ordinance, or the council may authorize by ordinance the city solicitor to act as delinquent tax collector upon execution of such bond as may be required. In the collection of tax bills placed in his hands for collection, the collector may distrain the goods and chattels owned by or in rightful possession of the

person from whom the tax is due, notwithstanding the existence of any lien upon the same, and may proceed to sell for cash the title of such persons to so much thereof as will pay the tax due and cost of sale, after first advertising the sale as constables are required to do in sales under execution. The cost of said sale shall be two dollars for the benefit of the tax-collector. He shall have the power to sue out in the circuit court, or in any justice's court in the county, an attachment on said tax bills, and the proceedings shall be the same as attachment proceedings for the collection of State taxes. He shall make daily reports to the auditor of collections, giving to him a duplicate receipt from the treasurer for the collections, and he shall make a settlement with the auditor whenever demanded.

§ 19. The general council may at any time, by ordinance, modify, alter or change the manner of assessing property for taxation, and the levy and collection of taxes as herein provided. No such ordinance, however, shall be valid unless two-thirds of the members elect of each board shall, on a call for the yeas and nays entered of record, vote therefor. Nor shall any ordinance be passed in conflict with article one of this chapter containing general provisions.

ARTICLE —. SINKING FUND.

§ 1. The mayor, auditor and chairman of the ways and means committee of the general council shall constitute the commissioners of the sinking fund. Three of them shall constitute a quorum for the transaction of business. It shall be their duty to see that at all times a proper amount of money to pay the principal and interest of the bonded indebtedness of the city, as such may mature, is provided in due time and preserved exclusively for the payment of said liabilities.

§ 2. It shall be the duty of the general council to levy annually a tax for sinking fund purposes upon all property returned by the board of equalization as subject to taxation for municipal purposes, sufficient in amount to pay interest on the bonded indebtedness of the city, and not less than one per cent. of the bonded debt of the city each year.

§ 3. All money, bonds and securities belonging to the sinking fund shall be kept in a separate account, and such money, bonds and securities shall only be paid out or disposed of by the order of the commissioners of the sinking fund, and in case of money, upon a warrant signed by the city clerk, countersigned by the auditor and approved by the mayor.

§ 4. Said commissioners shall make monthly reports to the general council, showing the exact condition of the sinking fund and its requirements, and shall see that the auditor, before the beginning of each fiscal year, carefully and fully reports to the general council all bonds and interest which will mature and be payable during such fiscal year, and shall further see that the

auditor reports to the general council at each monthly meeting any and all debts of the city which will mature and become payable during the ensuing month.

§ 5. Said commissioners may, whenever there shall be an accumulation of money in the sinking fund over and above the amount required for promptly meeting the interest on the bonded debt of the city, redeem or purchase the bonds of the city at a price not exceeding the market value thereof; and such redeemed or purchased bonds shall be reported to the general council and canceled, and a correct record of same, with date of cancellation, preserved in the office of the auditor; and whenever the sinking fund commissioners are unable to purchase or redeem city bonds as provided in this section, they, with the approval of the general council first had, may invest such accumulation in other interest-bearing bonds or securities, and hold and use the same and the proceeds thereof as part of the sinking fund.

§ 6. Whenever any city bonds or coupons shall have been paid by said commissioners of the sinking fund, they shall cause the auditor to report the same to council, who shall thereupon cancel the same, and the auditor shall keep a correct record thereof, together with the date of cancellation.

GENERAL PROVISIONS.

§ 1. All ordinances, regulations and resolutions in force at the time this law takes effect, and not inconsistent with the provisions thereof, shall remain and be in force until altered, modified or repealed by the general council.

§ 2. The repeal of any law by the provisions of this law shall not in anywise be so construed as to affect any right or liability acquired or accrued thereunder by or on the part of the city, or any person or body-corporate. This law shall not in any manner affect any right, lien or liability accrued, established or subsisting under and by virtue of previous charters or amendments thereto, or ordinances passed thereunder; but such right, lien or liability shall be enforced, and such action or proceeding shall be carried on in all respects as if this law had not taken effect; nor shall this law be in anywise so construed as to affect the right or liability acquired or accrued under previous charters or amendments thereto or ordinance passed thereunder on the part of the city, or any persons or body-corporate.

§ 3. All ordinances for the opening of any street or alley on which proceedings or work have not commenced are hereby repealed; but all such ordinances upon which proceedings and work have actually commenced shall be concluded under the law in force when it was commenced.

§ 4. All persons in office in the city at the time this law takes effect shall hold their offices until their term of office shall have expired, or until their successors are elected and qualified.

§ 5. Executive, judicial and ministerial officers of the city, unless otherwise herein provided, shall be removable by the board of aldermen sitting as a court, under oath or affirmation, upon charges preferred by the mayor or any two members of council, and in case of the mayor, upon charges preferred by the board of councilmen. No person so tried shall be removed from office without the concurrence of two-thirds of the aldermen elect; and when a person has been removed from office he shall be ineligible thereto during the time for which he has been elected.

§ 6. The mayor, each member of the general council, chief of police, and all police officers, shall be conservators of the peace; and all officers created conservators of the peace by this law, or by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace or be found violating any ordinance of the city or the laws of the State, and commit for examination, and, if necessary, detain such person or persons over night, or, on the Sabbath, in the city prison or any other place, or until they can be brought before the police judge or other proper officer; and shall have and exercise such other powers as conservators of the peace as may be prescribed by ordinance or authorized by general law.

§ 7. In case any elected or appointed officer of the city shall be necessarily absent from the city, or unable, from sickness or other cause, to discharge the duties of his office, the mayor may fill such office temporarily by appointment; and such appointee shall hold and discharge the duties of the officer whose place may be thus temporarily filled until such officer may return or become fit for and enter on duty. Officers thus temporarily appointed shall qualify and give bond, if so required by ordinance.

§ 8. In the event of the absence or disability of the mayor, the president of the board of aldermen shall act as mayor, and in the event of the absence or disability of both the mayor and the president of the board of aldermen, the president of the board of councilmen shall act as mayor. But the board of which the president shall thus act as mayor, shall elect one of its number to act as president until the return of the mayor, or until the mayor shall again resume his place and duties.

§ 9. If any city officer shall be, directly or indirectly, interested in any contract with the city, or in any work done by the city, or in furnishing supplies for the city, or any of its institutions, or in the sale of any property to or for the city, he shall be guilty of a misdemeanor, and any appointed officer becoming so interested shall be immediately dismissed from office by the mayor; and upon the mayor becoming satisfied that an elective officer is so interested, and report the facts to the board of aldermen, whereupon the board of aldermen shall, as soon as practicable, convene to hear and determine the same; and if, by a two-thirds vote of the members-elect of the said board, he be

found so interested, he shall be immediately dismissed from such office.

§ 10. No city officer shall hold two offices or appointments under the city government.

ELECTIONS.

§ 1. The general laws governing elections shall regulate the election of all elective officers of cities of the second class, including members of the board of education. At the regular election in November, 1893, there shall be elected a mayor, a police judge, a treasurer and four members of the board of public affairs, each for terms of four years; a city jailer for a term of two years, and three members of the board of councilmen from each ward, and two members of the board of aldermen for each ward for two years. But at said election the two persons who receive the greatest number of votes for members of the board of public affairs shall be declared elected for terms of four years, and the two persons receiving the next greatest number of votes shall be declared elected for terms of two years each, and the number of persons equal to half, or if an uneven number, the greatest number nearest to half the membership in the board of councilmen who receive the greatest number of votes, and the number of persons equal to half the membership in the board of aldermen, shall be declared elected for two years, and the number of persons remaining who receive the next greatest number of votes shall be declared elected for one year. Thereafter all members of the board of public affairs shall be elected for four-year terms, and all members of the general council for two-year terms; and at the regular election in November, 1895, and thereafter, the city jailer shall be elected for terms of four years.

ARTICLE——. PUBLIC SCHOOLS.

§ 1. There shall be maintained a system of public schools, at which all children residing in the city between the age of six and twenty years may be taught at the public expense. Said schools shall be under the control of a board to be styled the board of education, consisting of two trustees from each ward in the city, to be elected, however, by the qualified voters at large of the city. Said board of education shall continue, and they are hereby declared a body-politic and corporate, under the name and style of "Board of Education," with perpetual succession; and by that name may contract and be contracted with, sue and be sued; have and use a corporate seal, the same to alter or renew at pleasure; may purchase, receive, hold, lease and dispose of real and personal estate for public school purposes. The control and management of the public schools of the city, and the property and funds thereunto belonging, shall be, and s hereby, vested in said board, subject to the provisions of this

law. They shall have power to make by-laws and rules, not in conflict herewith, necessary for the discharge of their duties and the government of their proceedings. They shall meet once in each month, or oftener if necessary; but it shall require a majority of the members elect of said board to constitute a quorum for the transaction of business; and for the appropriation of money or the execution of contracts the concurrence of a majority of the members-elect of said board shall be indispensable, and upon a call for the yeas and nays to be entered of record. Meetings of said board shall be held in some public place, and a correct record of their proceedings shall be kept in a book provided for that purpose, which shall be a public record, and open to inspection by any officer or citizen of the city.

§ 2. Said board of education shall determine for itself the qualification and election of its members; and when a special election is held, the expense thereof shall be defrayed out of the school fund. They shall have the power to fill until the next general election all vacancies in said board occasioned by death, removal or otherwise; and all returns of said elections shall be made to the clerk of said board, who, by direction of the board, shall issue certificates of election.

§ 3. All the property now used for public school purposes in the city, or which may at any time be owned by the board of education, and all the funds or means that may at any time come under the control of same, are hereby forever dedicated to the purpose of public schools of the city; and the title to all property, real and personal, and the property itself, in the city, known and used as public school property, are hereby vested in said corporation.

§ 4. Said board shall have power to elect and appoint such superintendent, principals and teachers as may be necessary for the public schools, regulate and fix their salaries, and may, at any time, with or without cause, suspend or remove them, or any of them. Said board may purchase, build or rent any ground, building or buildings, necessary or convenient for public school purposes, and may make contracts to that end; and any property so leased, purchased or otherwise occupied, may be reserved by terms, deed or lease, to the public schools of the city, and if so reserved, shall not be liable for any debt or debts of the city not incurred for public school purposes. Said board may also receive and hold for public school purposes any gift or devise.

§ 5. Said board shall prescribe the branches of education to be taught, the necessary qualifications, the mode of examination, and the number of teachers to be annually admitted to each school. They shall fix the boundaries of the districts within which children shall be admitted to each school; but the majority of said board may permit children residing in one district to attend school in another. They may establish high schools, and fix the grade of public schools, and prescribe the rules by

which pupils may pass from one grade to another and from the graded to the high school.

§ 6. All children entitled shall have equal rights of admission to and benefits of said school, wherein no catechism or other form of religious belief shall be taught or inculcated; nor shall any class-book be used therein which reflects upon any religious denomination or sect; neither shall any of said schools be so conducted as to interfere with the religious faith or creed of either parents or pupils.

§ 7. Said board shall, at the end of each scholastic year, prepare and cause to be published a printed statement, showing the number of admissions in, expulsions from, and present number of pupils in each school, with the general condition and educational progress made therein, the amount, character and condition of all funds and other property belonging to said schools, together with such information as may be proper or necessary for the benefit of said schools and the general public.

§ 8. Said board shall, on or before the first Monday of January of each year, approximately ascertain the amount of money necessary to be used and defray the expenses of maintaining the schools, improving or constructing of buildings, etc., thereof, and any liquidations of the liabilities during the current fiscal year, and report the same, together with the amount to be received from the common school fund of the State of Kentucky, to the auditor, who shall, thereupon, report the same to the general council, and the general council shall make the necessary levy to defray said expenses and liquidate said liabilities: *Provided*, That said levies shall not, in any one year, exceed thirty-five cents on each one hundred dollars valuation as returned by the board of equalization on all taxable property in the city: *And provided further*, That this law shall not be so construed as to prevent said board from receiving or expending any sum or sums that may come to them by gift, devise or any law of the State.

• § 9. Said board shall have power to admit to said schools pupils from beyond the limits of the city, and may collect therefrom tuition fees for the benefit of the school fund of the city, making an adequate deduction for taxes for school purposes or property in said city paid by parents of said children; and no children or persons residing beyond said limits shall be admitted as pupils in any of said schools except on payment of such tuition fees as said board may require. Said board may elect or appoint such employes as they may deem necessary, and shall prescribe and fix the compensation of each, and may dismiss the same at pleasure.

§ 10. Said board may appoint a board of examiners, to consist of not less than three nor more than five competent persons, whose duty it shall be to examine, under such rules and regulations as may be prescribed by the board, into the competency, qualifications and necessary admissions of all applicants for a

position as superintendent, principals or teachers of said schools : *Provided*, That no person shall be a member of said board of examiners who shall be employed in or connected with the public schools of the city. Said board of examiners shall receive such compensation and perform such duties as may be prescribed by said board.

§ 11. Said board of education shall provide and set apart an equal proportion of said school fund, to be determined *per capita*, for the maintenance and support of the separate schools, wherein all colored children residing in the said city between the ages of six and twenty years may be taught in like manner as herein provided for white children. Said colored schools shall, in proportion, be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for white children.

§ 12. No member of the board of education shall be or become directly or indirectly interested in any contract, agreement, or trade touching the building of school-houses, repairing of school property, furnish supplies or other things connected with the management of the public schools in the city or use his official position to secure the patronage of the teachers or the employes of the school ; and any member so offending shall be liable to penalty of not less than two hundred and fifty dollars, recoverable by suit in the circuit court in the name of the city, and he shall also forfeit his office. Any penalty that may be so recovered shall be used for the benefit of the public schools. No member of the board of education shall receive any salary or compensation for his services as such.

§ 13. It shall be the duty of the auditor of the city to act as auditor of the board of education, and to keep as accountant of said board separate and distinct accounts of all property and funds now used or hereafter dedicated to the use of public schools, and shall perform such other duties as shall be prescribed by said board.

§ 14. The treasurer of the city shall be treasurer of said board of education, and as such shall keep separate and distinct from all other funds all moneys, bonds and securities belonging to or which may hereafter be dedicated or set apart for public schools, and shall only pay out or deliver any of said funds, bonds or securities upon the warrant of said clerk, countersigned by the auditor and approved by the president of the board of education, and shall perform such other duties as may be prescribed by said board, and shall be responsible upon his official bond therefor.

§ 15. The clerk of the board of councilmen shall be *ex officio* clerk of the board of education, and shall in person or by deputy attend all the meetings of the said board. He shall keep a true record of all proceedings of said board, and record all ordinances, resolutions, contracts or laws of the same. He

shall deliver all original ordinances, resolutions, contracts and documents to the auditor, taking his receipt therefor, showing the date of delivery. He shall sign all warrants on the treasury, and perform such other duties as may be required by said board.

§ 16. Said board of education shall have exclusive control of all school funds of the city, from whatever source the same may be derived, including the pro rata of the city from the common school fund of the State of Kentucky. They shall have the right to receive all fines, forfeitures and taxes that may enure to the benefit of the public schools of the city. They shall have power to expend all moneys in the interest of the public schools of the city, and the warrant of the clerk, countersigned by the auditor and approved by the president of the board, shall be honored by the treasurer to the amount of the school fund in the city.

§ 17. All indebtedness, bonded or otherwise, and all liabilities and contracts of the school board existing at the time this law takes effect, and all taxes, funds, sinking funds or other resources that have been pledged or set apart for the payment of the principal and the interest thereof, shall continue unimpaired and remain of the same force and effect as though the same had been authorized and contracted by the express provision of this law; and said board may refund any debt by the issual of bonds.

§ 18. No money shall be drawn from the fund unless the same has been appropriated by order of the board of education, and no appropriation of money shall be made to be paid out of said school fund unless the money shall actually be in the treasury to meet the draft; and if any appropriation shall be made, and there shall be no money in the treasury at the time of the making of said appropriation with which to pay the same, the members of the board of education voting therefor shall be individually liable to any party injured for the amount of damage sustained in consequence thereof.

§ 19. At the first general election under this act there shall be elected as members of the said board of education two persons, to be selected from each ward of the city, but elected by the qualified voters at large of the city, subject to modifications as to the qualifications of voters herein prescribed. The one person from each ward receiving the highest number of votes for two years, and the one from each ward receiving the next highest number of votes for one year, and in case two receive the same number of votes, the tie shall be decided by lot. And on the same day of each year thereafter there shall in like manner be elected one person from each ward by the voters at large as a member of said board. All persons elected under this section shall assume the duties of office on the first Monday in January following said election. Trustees in office, whose time has not expired when this law takes effect, shall remain in office, until their successors are elected and qualified.

§ 20. Said board of education shall elect from their own number a president for the term of two years, and may prescribe who shall preside in his absence, and make all necessary rules prescribing the duties of the presiding officer and the government of themselves.

§ 21. All votes at election of members of said board shall be by secret ballot, and after such registration and subject to such rules and regulations as to manner of registration as may be prescribed by law for election of State officers.

§ 22. All persons possessing the qualifications required by this law to make them eligible to election as members of the general council shall be eligible to membership in the board of education; and all persons possessing qualifications required by this law, or which may be prescribed by ordinance, in order to vote at elections for city officers, are hereby declared qualified to vote at all elections for members of the board of education; and women who may possess such other qualifications required for males are hereby declared to be eligible as members of said board of education, and qualified to vote at any and all elections for members of said board.

The amendments proposed thereto by the committee are as follows:

1. Amend section 1 of article 3 by striking out the word "two," in line 3, and by inserting in lieu thereof the word "eight." Also amend same section by striking out the words "for each ward," in line 4.

2. Amend section 2 of article 3, by striking out the word "three," in line 1, and by inserting in lieu thereof the word "two." Also amend by adding after the word "office," in line 13, the words "with or under any individual or firm or." Strike out of line 28 (same section) all after the word "present," down to and including the word "month," in line 29.

3. Amend article 3 by inserting the following as section 4:

§ 4. The general council shall prescribe the rules for its government in joint sessions; may compel the attendance of members thereof, and punish them, when in joint session, for contempt and disorderly conduct. A majority of members-elect to both boards shall constitute a quorum for the transaction of business in joint session.

4. Amend section 3, article 3, by inserting after the word "elect," and before the word "if," in line 9, these words: "Of each board."

5. Amend section 4 by striking out the words "said general council," in line 1, and by inserting in lieu thereof the words "each board." Amend section 4 by adding after the word "requires," in line 3, these words: "When both boards are in called session one shall not adjourn without the consent of the

other for a longer period than twenty four hours. If they should fail to agree on adjournment, the mayor shall adjourn them to a day not beyond the next regular time of meeting."

6. Amend section 6 by striking out all after the word "council," in line 1, down to and including the word "law," in line 2, and by inserting in lieu thereof these words: "Within thirty days after this law takes effect;" also strike out in line 2 of same section the words "as many," and by inserting in lieu thereof "six;" also strike out of lines 2 and 3 the words: "As they may deem expedient for the purpose herein named;" also strike out of line 4 the word "permanent."

7. Amend section 1 of article 4 by inserting after the word "same," in line 4, these words: "And thereafter may charge such tolls as may be necessary to keep said bridge in repair, and to pay the expenses of operating and maintaining the same."

8. Amend section 5 of article 4 by striking out all of said section down to and including the word "error," in line 7, and by inserting in lieu thereof the following:

§ 5. Cities of the second class may, by petition to the circuit court, and by appeal to the Court of Appeals, test the validity of any constitutional provision, statute law, ordinance or resolution affecting said cities. Said proceedings may be brought by any citizen having an interest in obtaining a decision, or said proceedings may be *ex parte* in the name of the city, in which case the Commonwealth's attorney in the circuit court and the Attorney-General of the State in the Court of Appeals shall defend the validity of the law which the petitioner asks to have tested. And it shall be the duty of the courts having jurisdiction of said proceedings to advance the cases on their dockets so that prompt decisions may be rendered."

9. Amend section 8 of article 4 by inserting after the word "safety," in line 5, these words: "And within the city."

10. Amend article 4 by adding the following as additional sections:

§ 23. To provide for the erection and maintenance of market-houses, and all needful buildings for the use of the city; to provide for the government and regulation of markets, market places and meat shops, and the amount of license tax or rent to be paid for stalls or stands in the market, or in its vicinity.

§ 24. To provide the city with water, to fix a schedule of and collect tolls and rents for use of water; to make, regulate and establish public cisterns, hydrants and reservoirs, in or under the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water, and to compel any water company, corporation or individual to change or relocate any water main or pipe. To compel persons living along the

line of established sewers to connect all drains, water closets and urinals therewith, and to prohibit privies along the line of established sewers.

§ 25. To establish, construct and maintain wharves, and to charge and collect toll of all water craft landing, touching or mooring thereat, and to enact such ordinance for the protection of such wharves as may be deemed expedient, necessary or proper, with penalties for violation thereof; to forbid and punish the selling or giving away of any spirituous, vinous or malt liquors or cigarettes to any woman, minor or habitual drunkard.

§ 26. To establish and regulate the standard of weights and measures to be used in the city, and to provide for the inspection of all weights and measures, and to compel dealers in all kinds of coal to weigh the same on public scales, and to establish, license, tax, and regulate public sales, and the charges for the use of the same; to make provisions for the inspection and measurement of lumber and other building material; to make provisions for the inspection of the elevators, steam boilers and all steam-heating apparatus, and to license engineers and others using steam boilers, or other steam apparatus, in said city, and for the inspection of beef, pork, meal, oil, coal oil, naphtha, benzine, and other burning fluids, molasses, syrup, turpentine, vinegar, beer, ale, wines, whiskies, rum, brandy, and other spirituous, vinous or malt liquors in barrels, hogsheads, or other vessels, and for the inspection of cigars, tobacco and cigarettes; for the inspection and weighing or measuring of hay, coal, charcoal, firewood and all other kinds of fuel to be used in the city; for the inspection of butter, cheese, milk, lard and all other provisions; for regulating the weights and quality of bread: *Provided*, That nothing herein shall be construed as to authorize an inspection of any article enumerated in this subdivision which is to be shipped beyond the limits of the city, except at the request of the owner thereof; to inspect and regulate house drainage and sewer connections, and to prescribe the kind and quality of the material to be used for such purposes.

§ 27. To provide by themselves or through others, for lighting the streets, public places and buildings, and furnishing light to the inhabitants, and to regulate the quantity, price and quality of the light and the method, time and appliances for furnishing the same, and to fix a schedule of, and collect charges or rates for light. To compel any and all light companies or persons furnishing light to change and relocate gas mains or pipes, or poles, conduits for electric wires; to place those above the surface of the ground under it, to change the method of conveying the lights, and generally to do those things conducing to the safety and comfort of the inhabitants in the premises.

§ 28. The general council shall, by general ordinance, provide as far as practicable for the construction, regulation and operation of street railways, steam railways, telegraph, telephone, electric light and power companies, and other corporations using

any portion of the public domain, or operating public or quasi public franchises, and for the creation and sale of franchise, the making of public improvements, letting of contracts, sale of bonds, removals and buildings of houses, trials of charges against officers.

§ 29. To direct and control the laying and construction of steam, electric, street or other railroad tracks, bridges, turnouts and switches, poles, wires, apparatus and appliances in the streets and alleys, and the location of depot grounds within the city; to require that bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with ordinary travel and the use of the streets and alleys, and that sufficient space shall be kept on either side of said tracks for the safe and convenient passage of teams and persons; to require all said companies to construct and keep in repair suitable crossing at the intersection of streets and alleys, ditches, sewers, culverts, and to light and guard the same; to require said companies to erect gates or place watchmen, or both, at certain or all street crossings; to direct the use and regulate the speed of locomotive engines, steam, electric, street or other kind of cars within the limits of the city, and to prohibit the making of running switches.

§ 30. To compel telephone, telegraph, gas and electric light companies, and all persons and corporations using, controlling or managing electric light wires for any purpose whatever, and telegraph and telephone wires, to put and keep their wires underground, and to regulate the manner of doing the same, and the use of all such wires and connections therewith, and to require all companies using poles for overhead wires, and conduits for underground wires, the street and steam railroad tracks, to permit other companies to use the same upon equitable terms, each company to bear or pay its proportionate share of the expenses of erection, laying and maintaining such poles, conduits or tracks. To provide by themselves, or through others, a system of underground conduits for placing of electric wires of the various kinds underground, in the whole or portions of the city, and to regulate the method, time, price and manner of using such conduits, and to fix a schedule of, and collect charges or rates therefor, and to compel all companies using electric wires to place them in such conduits.

§ 31. The general council of the city shall have the power to provide, by ordinance, for the condemnation of land for the opening and extending of streets and alleys, assess the costs and damages which it may be required to pay for the ground so condemned for the opening and extending of any street or alley against the owner or owners of the lots or parts of lots abutting upon each side of the street or alley so opened or extended.

11. Amend said article by inserting the following as a substitute for "Street Improvements :"

STREET IMPROVEMENTS.

§ 32. The general council shall have power to provide by ordinance for the improvement or reimprovement of the streets, alleys, market spaces or public squares, or any part thereof, with granite, asphalt, brick, concrete or other materials, and may provide for the use of one or more of them, in the improvement thereof. The improvement or reimprovement may be made upon a petition of the owners of a majority of the front feet of property abutting on the street, alley, market space or public square, asking that said improvement be made, or without petition upon the vote in favor thereof of three-fourths of all the members-elect of each board of the general council. The mode of procedure in such cases shall be as following, viz:

1. A careful estimate shall be made of the cost of said work, including the material to be furnished therefor.

2. The general council shall declare by resolution the necessity of such improvement or re-improvements, and shall publish such resolution once a week for three consecutive weeks in a newspaper published and of general circulation in the city. All plans and profiles relating to the improvement or re-improvement shall be kept on file, from and after the first publication of said resolution, in the office of the city clerk or city engineer, for the inspection of the parties interested.

3. The general council shall have full and final authority in any such improvement or re-improvement to make such change or changes in the grade as it may deem necessary to best conform the same to such contemplated improvements or re-improvements, and such change of grade shall be published with the advertisement of the resolutions as hereinbefore provided, and the general council before next such improvements or re-improvements may have all necessary sewers made, and may cause water and gas pipes to be laid and connections to be made from the main line of sewer and pipe so made and laid to the curbstone, and may include in such improvement or re-improvement such construction or reconstruction of the curb as may be necessary.

4. The owner of a lot or land abutting on such contemplated improvement or re-improvement claiming that he will sustain damages by reason of such improvement or re-improvement, if any, may file his claim therefor in writing with the city clerk within two weeks after the completion of the publication of the resolution heretofore provided, and shall set forth the amount of the damage claimed, together with the general description of the property with respect to which it is claimed the injury will accrue, and an owner who fails to do so shall be deemed to have waived the same and shall be barred from filing a claim or receiving damages, and this provision shall apply to all damages that will result from the improvement or re-improvement, but shall not deprive the owner of his rights to recover other dam-

ages arising without his fault, from the negligence of the city, its contractors or agent, during the progress of the work.

5. At the expiration of the time limited for filing claims for damages, the general council shall determine whether or not to proceed with the proposed improvements or re-improvement, and if any such claims have been filed, they shall be judicially inquired in to before commencing the proposed improvement or re-improvement. Such inquiry shall be upon written application by the city solicitor to any court having jurisdiction of condemnation proceedings, and such proceedings shall be conducted in the same manner as proceedings for the appropriation or condemnation of real estate of such city, for the public use, so far as the same are applicable, and the assessment of damages shall be confined to the claim filed as aforesaid. In cases in which the jury finds no damages, the cost of the inquiry shall be taxed against the claimant and be collected on execution.

In other cases, the court shall render judgment on the verdict, and furnish the clerk of the city, on application, a statement of the amount of damages and cost in each case.

6. After the determination of the general council, as aforesaid, to proceed with the proposed improvement, and after the ascertainment of the damages, if any, for which claims have been filed aforesaid, the general council shall advertise for bids for the execution of the proposed improvements or re-improvements once a week for a period of four weeks in some newspaper published in said city, and if it be made of brick, granite, or asphalt, it shall in addition be advertised in one newspaper published in Louisville, Ky., and one published in Cincinnati, O., and may publish once a week for the same period in one paper making a specialty of the publication of advertisements of that character.

7. Such bids shall be filed with the clerk of the city, sealed up, by 12 o'clock at noon on the last day, as stated in the advertisement.

8. Immediately upon the expiration of the time fixed for the receiving of said bids, the bids received shall be open publicly in the presence of the mayor, city clerk and city auditor, or a majority of them, who shall certify the same by subscribing their names thereto. The city clerk shall present all said bids so received and opened to the general council at its next regular meeting held after said bids are received.

9. Each bid shall contain the full name of every person interested in the same, and shall be accompanied by a sufficient guaranty of two responsible disinterested persons that if the bid is accepted a contract will be entered into, and the performance of it properly secured.

10. The bids shall be upon blanks to be furnished by the general council, and shall refer to the specifications and the form of contract to be entered into if the bids are accepted.

11. To provide a fund for the immediate payment of such

portion of the entire cost of such improvement or re-improvement, the abutting property-holders shall be liable for, but may not pay in cash, in conformity with the notice provided in the last section, general council is authorized to borrow money at a rate of interest not exceeding 6 per cent. per annum in anticipation of the collection of a special tax or assessment for such improvement or re-improvement from such property-holders, and to issue the bonds of the city therefor in the manner and form herein provided, pledging the faith and credit of the city for the payment of the principal and interest thereof. Said bonds shall be divided into 10 series, each series to be as nearly equal as possible, said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of the denomination of \$100, or its multiple, not exceeding \$1,000, and shall bear interest at the rate of not exceeding 6 per cent. per annum. The bonds shall have the name of the street, alley, market space or public square, or portion thereof, for the improvement of which they are used, printed, engraved or written thereon. Any odd amount remaining after the issuing of said bonds of the denomination of \$100 or its multiple, as herein provided, may be paid in cash out of the general fund of the city, or may, at the option of the general council, be included in a separate bond, payable in 10 years from date, drawing like interest as the bonds herein provided for.

12. When a special assessment for such improvement or re-improvement is made on real estate, subject to a life estate, the assessment shall be payable by the tenant for life. But upon application by the tenant for life to a court of competent jurisdiction by action against the owner of the estate in fee, such court may apportion the cost of the assessment between the life tenant and the owner in fee in proportion to the relative value of the improvement or re-improvement to their estate respectively, to be ascertained and determined by the court on principles of equity.

13. When it appears to the general council that a special assessment or tax for such improvement or re-improvement is invalid by reason of informality or irregularity in the proceedings or when an assessment is adjudged to be illegal by a court of competent jurisdiction, the general council may order a reassessment, and proceedings thereon and the collections thereof shall be conducted in the same manner as is provided for the original assessment.

14. The bonds issued by the city for the portion to be borne by the city at large, as well as the bonds issued in anticipation of the collection of the assessments upon the abutting lots or parcels of land, shall be and forever remain free from any and all taxes, rates or charges for municipal purposes.

§ 33. The general council shall have power to construct sewers along any of the streets, alleys, market spaces or other public squares, and to assess the cost and expense of construction to

an amount not exceeding the sum of \$1 per front foot of the abutting property, upon the lands and lots bounding or abutting thereupon, and apportion the amount so assessed, uniformly, on the owners of said abutting lots, according to the feet front thereon owned by them. When the amount of the quotient after dividing the entire cost of the construction of a sewer by the number of front or abutting feet, exceeds the said sum of \$1 per front foot, the excess shall be paid out of the general fund of the city. The assessments herein provided for shall be a lien on the whole of each lot abutting on the line of such sewer, to secure the amount assessed against each front foot thereof, from the time of the passage of the assessing ordinance. No corner lots shall be required to pay in assessments for the construction of sewers along any two of its adjacent sides on a greater number of front feet than the number of feet in the longest of said two adjacent sides.

§ 34. The general council shall have power, by ordinance, to cause any lot or part of lot of land on which, or on part of which, water shall at any time collect and become stagnant, to be raised, filled up or drained, and to cause all putrid substance, whether animal or vegetable, to be removed from any lot or lots; and it shall be the duty of the owner of such lot or part of lot, to do so within the time specified in said ordinance, which shall be a reasonable time, and if he failed or refuse, the general council may, at the expiration thereof, have said work done, and assess the cost thereof upon such lot or parts of lots, and said cost shall be a lien thereon from the time of the passage of the assessing ordinance; and said assessment may be collected or recovered, and lien enforced by the contractor doing the work, by suit in any court of competent jurisdiction.

§ 35. No lot or the owner thereof shall be chargeable for the improvement or re-improvement of any street, alley, market space or other public square, or for the construction of sewers or sidewalks, or for the drainage, raising, filling or cleaning of any lot with a greater sum than one-half of the value of such grounds.

§ 36. Whenever it shall appear to general council that an assessment to pay for the improvement or re-improvement, or repair of any street, alley, market space or public square, or any portion thereof, or for the construction of any sidewalks along, or sewer under the same, or any portion thereof, is incorrect, or is insufficient to pay for said work, the general council may, under the limitations prescribed for such assessments, pass an ordinance or ordinances mending such assessment, or may make an additional pro rata assessment or assessments to supply the deficiencies, and this power shall extend as well to those heretofore as those hereafter made. Proceedings upon said corrected assessment and for the correction thereof shall be conducted in the same manner, and have the same lien as provided for the original assessment, but such corrected and addi-

tional assessment shall not affect purchasers without notice, nor any case which has been, or is now being, litigated.

§ 37. In enforcing a lien for improvement, re improvement or repair of any street, alley, market space or public square, or any part thereof, or for the construction of any sidewalk along, or sewer under, the same, if the court shall be of the opinion that from irregularity or illegality of the proceedings of the general council or other cause, some portion of the tax assessed upon the property described can not be legally or equitably enforced, the whole proceedings of the general council shall not, therefore, be void, and the whole tax assessed not enforceable, but such portion of the proceedings of the general council as are regular and according to the charter and ordinance in reference thereto shall be sustained, and the portion of the taxes assessed in pursuance thereof shall be a lien upon the property in the proceedings, and shall be in force on said property to that extent, and for this purpose any errors, irregularities or illegal proceedings as to the assessment, or otherwise, may be corrected by the court, so that no person's property may be improved at the general expense of the city, when in equity he ought himself to pay for the same. The provisions of this section shall apply to all work heretofore done by order of any legislative board of said city, having authority to order the same.

§ 37. Owners or occupants of real estate may be required by the general council to keep clean the sidewalks and gutters in front of their property, and to clean and remove therefrom ice, snow and other substance, and to punish violations of ordinances in that regard by fine or imprisonment or both.

§ 38. The general council shall establish a system of grades for all streets and alleys and other public places, and a system of sewers for the entire city.

STREET IMPROVEMENTS.

§ 39. The general council shall have and exercise exclusive control and power over the streets, roadways, sidewalks, alleys, landings, wharves, public grounds, and highways of the city ; to establish, open, alter, widen, extend, grade, pave, repave, block, construct, reconstruct, sweep, sprinkle, or otherwise improve, clean and keep in repair the same ; to prevent and remove all encroachments thereon, or obstructions thereof ; to put drains and sewers in the same, and to regulate and prohibit the building of vaults and areas under sidewalks ; to enforce and regulate connections with sewers, gas and water mains, and conduits of all kinds laid in or under the streets and highways of the city for any purpose.

§ 40. The general council shall, by ordinance, provide for a general plan of laying out into streets and alleys all of the territory within the city limits which have not already been laid out at the passage of this act: *Provided*, That all new streets

and alleys shall conform as nearly as possible to the lines of the streets and alleys now open, and said streets shall be not less than fifty feet in width. After the passage of this act no plat of any addition to this city, or of any subdivision of lands in the city, in so far as the same seeks to locate a street or alley, shall be of any validity, or admitted to record until said plat has the approval of the board of public works indorsed thereon. When condemnation proceedings become necessary for the purpose of establishing, opening, extending or vacating any street or alley, or for changing the natural channel or outlet of any water-course or drain, and to ascertain what just compensation shall be paid to the owner or owners of such property as may be condemned for any of said purposes, the general council may, by ordinance, prescribe the limits within which private property shall be deemed to be benefited by the proposed improvements, and a statement, by plat, map, or otherwise, consisting of a correct description of the several lots or parcels of private property to be taken or damaged, together with a correct description of the lots or parcels of property deemed to be benefited thereby, giving the names of the owner or owners thereof of each of said lots or parcels. Said map, or copy thereof, shall be filed with and made a part of the record in said condemnation proceedings; and if said proposed improvement is ordered to be made by the court having jurisdiction, then the general council shall order a special assessment to be made of the property to be included in said plat or map by the proper officer of the city, and shall levy and collect a special tax on said property, to pay for the cost of said improvements, which special tax shall be collected as other taxes; or the general council may, by ordinance, prescribe part of said costs and damages shall be paid by the city, and what part shall be paid by the owners of property adjoining the line of such streets or alleys, and the levies and conditions of payment thereof. The court having jurisdiction in such proceedings shall, in estimating the just damages and compensation to be paid from the lots or parcels of land condemned, estimate and deduct the amount to which said owners are benefited by said improvements. Said condemnation proceedings shall be instituted in the circuit court.

§ 41. All proceedings for condemnation of land for public, municipal or school purposes, shall be prescribed by ordinance or order of the school board, and instituted in the name of the city, by the city solicitor, and except as herein expressly provided shall be governed by the same jurisdiction, rules of practice and form of procedure, as may be required by general law for condemnation of lands.

§ 42. The general council may provide, by ordinance for the construction or reconstruction of the roadways and sidewalks on the public streets with granite, asphalt, brick, concrete, or other material, upon a petition of the owners of a majority of the front street of property on any block, street, or part of a

street, asking that said improvement be made, or without a petition, two-thirds of the members-elect in each board of the general council voting therefor.

§ 43. All petitions for the construction of all or any part of a public street or alley shall be advertised for one week in the newspapers selected for that purpose. Whereupon, it shall be the duty of the city engineer to prepare and submit to the general council accurate plans, specifications and estimates of the costs of the proposed improvement. The general council may then provide for the construction or reconstruction of the said street, and order a special assessment to be made by the city assessor of the property (exclusive of improvements) fronting on said streets, block or alley, and give the usual published notice for ten days to the property-holders to call and examine said assessment.

§ 44. At the expiration of the time mentioned in the said notices, and after the appropriate committee has heard and acted on all complaints of property-holders in regard to said special assessment, the general council shall, by ordinance, confirm the assessment and levy a special tax on said property, sufficient to pay for the entire cost of said improvement, except one-third of the cost of constructing or reconstructing the roadway of said street, from curb to curb, which shall be paid for by the city. Said special tax shall be a lien on the assessed property, and their collection shall be made and enforced as other taxes; and the mayor and general council are hereby authorized to issue, for and in behalf of the city, bonds on such time as may be deemed best, for an amount sufficient to pay for the city's part of said construction or reconstruction. Said bonds shall bear interest at not exceeding six per cent. per annum, payable semi-annually. Said bonds shall be free from municipal taxation, and of such denominations as the general council shall deem best. None of those bonds shall be sold for less than par and accrued interest, and their proceeds shall be used exclusively in paying for the city's part of the cost of construction or reconstruction on said street, block or alley improved under the provisions of this charter. Said payments shall only be made for work actually completed.

§ 45. When a petition signed by two-thirds of the owners of the front feet of property of any block, street, part of a street or alley, that is ordered to be constructed or reconstructed, asking that said improvement be made on the "ten-year plan," is presented to the general council or appropriate committee or board, the general council may, by ordinance, direct that the cost of constructing or reconstructing said block, street, part of street or alley, shall be paid on the "ten-year plan" in ten annual installments, payable one-tenth each year for ten years, the entire cost of said construction or reconstruction to be paid for by the owners of property liable for the special tax to pay for said construction or reconstruction; and said general

council, for the purpose of paying in cash for the cost of said improvement, is authorized to issue street bonds for the city for an amount sufficient to pay for the entire cost of said construction or reconstruction, making one-tenth part of said issue of said street bonds due and payable each year for ten years. Said bonds shall bear interest at not exceeding six per cent. per annum, payable semi-annually. Said interest shall be paid by the city, and the principal shall be paid out of the annual tax levied on the property-holders. Said tax as collected shall be deposited to the credit of the sinking fund, and used exclusively for paying for said street bonds as they mature. A special tax shall be levied on the property liable for improvement, and divided into ten annual payments, payable one-tenth each year for ten years, and so levied and collected on the assessed value of the property liable for the said improvement. Said special taxes levied on this ten year plan shall be a lien on the said property on which they are levied, and their collection made and enforced as other taxes, or the city may, in case of delinquencies in the payment of any installment of said tax, recover by proceedings in the circuit court; and a judgment given in favor of the city shall be for the total amount of said delinquency, twenty per cent. damages, and ten per centum interest until paid.

§ 46. The general council shall make necessary regulations, and prescribe the proper forms to be used in carrying out the provisions of this section.

§ 47. Owners of real estate may be required to construct or reconstruct, curb or recurb, and repair the sidewalks on streets and alleys in front of their property; and owners or occupants of real estate may be required, according to rules and regulations prescribed by ordinance, to keep in good order the sidewalks and gutters in front of their property, and also to clean and remove therefrom ice, snow, earth or other substances. The requirements of this section shall be deemed police regulations, and violations thereof may be punished accordingly by fine and imprisonment, or both.

§ 48. The council shall not appropriate money for any purpose whatever in excess of the revenue of the fiscal year actually collected and in the treasury at the time of such appropriation and unappropriated. Neither the general council, nor any officer of the city shall have authority to make any contract or do any other act binding the city or imposing upon the city any liability to pay money until a definite amount of money shall first have been appropriated for the liquidation of all pecuniary liability of the city under said contract, or in consequence of said act; and the amount of said appropriation shall be the maximum limit of the liability of the city under any such contract or in consequence of any such act, and said contract or act shall be *ab initio* null and void as to the city for any other or further liability.

12. Amend section 2, article headed "Executive Department," by striking out of line 6 the word "three," and by inserting in lieu thereof the word "five."

13. Amend section 9 of same article by inserting after the words "sign it," in line 3, and before the word "but," these words: "The mayor may approve a part of an ordinance for the appropriation of money without approving the whole or all of the items thereof." Amend same section by inserting after the word "it," and before the word "he," in line 3, the following: "Or a part thereof, as above provided." And by inserting after the word "it," and before the word "with," in line 3 of same section, these words: "Or the part disapproved."

14. Amend section 11 of same article by inserting after the word "mayor," in line 1, the following: "Shall issue all licenses authorized or required by law or ordinance and."

15. Amend section 36, article headed "City Treasurer," by adding thereto the following: "And a resident of the city for five years preceding his election."

16. Strike out section 37 of same article, and insert the following as a substitute therefor:

§ 37. He shall receive all funds of the city and of the Board of Education. No money shall be paid out by the city, unless the claim therefor has been allowed by ordinance or order, and until an order therefor has been signed by the clerk and the mayor, if it be the city's, or the President of the Board of Education, if it be the funds of said board, and countersigned by the Auditor, has been drawn upon the Treasurer, when the Treasurer shall draw a check on the city therefor, to the order of the same party or parties in whose favor the order was drawn, which shall be signed by himself, countersigned by the Auditor, and attested by the city clerk. He shall make daily deposits in the city's depository of all money received by him in the preceding twenty-four hours. He shall furnish to the Auditor at least once each month, or at any other time when demanded or required by ordinance, a certificate from the depository showing the balance on hand to the credit of the city, and also a statement of the gross amount and numbers of the checks paid since his preceding report. He shall perform such other duties as a general council shall, by ordinance, direct.

17. Amend section 39, article headed "Police and Fire Commissioners," by striking out of line 3 the words "two of whom," and by inserting in lieu thereof the word "who;" strike out of line 3 the words "general council and two by;" and strike out of line 4 the words, "the judge of the circuit court;" and by inserting in lieu thereof these words: "Mayor, the President of the Board of Aldermen, and the President of the Board of Councilmen."

18. Amend section 40 by inserting after the word "depart-

ment" and before the word "and," in line 8, these words, "and all policemen and firemen."

19. Amend section 6 of article 6 by striking out of line 3 the words "the circuit courts," and insert in lieu thereof "justices" courts."

20. Amend section 15 by striking out all of line 1 except the word "who," and insert in lieu thereof the following: "At each regular election for mayor, there shall be elected at such election by the qualified voters of the city, a city attorney." Also amend by striking out the word "two," in line 2, and insert in lieu thereof the word "four." Also amend section 15 by adding thereto the following: "He shall be a resident of the city for two years preceding his election, a practicing lawyer for two years, and at least twenty-one years of age."

21. Amend section 16 by adding thereto the following: "He shall be a resident of the city and a practicing lawyer for at least 5 years, and not less than 25 years of age."

22. Amend said article 6 by adding the following as section 8:

§ 8. The city solicitor and the city attorney shall pay to the city treasurer all money which shall come into the hands of either of them for the city, as soon as the same is received, and take the treasurer's duplicate receipt therefor, one of which shall be filed with the city auditor; and they shall also severally report in writing to the general council the amount so collected and paid as soon as the same shall be collected, stating in their reports the source, case or proceeding from which the money is received. Both the city solicitor and the city attorney shall make written annual reports to the general council at the last regular meeting in each year of that body, of the business of their respective offices, the moneys collected by them during the preceding year, and such other matters as they may deem proper to promote the good government and welfare of the city, and shall also make such other reports as the general council may direct.

23. Amend section 1, of article headed "Revenue and Taxation," by striking out of line 1 the words, "for the purpose of raising," and insert in lieu thereof the words, "the city may raise." Also amend by inserting after the word "limits," in line 3, the following: "And all personal property held or owned by persons residing within the corporate limits, including bonds, stocks and choses in action."

24. Amend section 2 by striking out all after the word "provided" in line 15.

25. Amend section 4 by striking out of line 2 the word "five," and insert in lieu thereof the word "four."

26. Amend section 7 by striking out all after the word "him," in line 55, down to and including the word "county," in line 63.

27. Amend section 9 by striking out of line 1 the word "five,"

and insert in lieu thereof "three;" also strike out of line 2 the words "council at its first meeting in," and insert in lieu thereof the following: "Mayor on or before the first of."

28. Amend section 17 by inserting the words "or before," in line 20, between the words "at" and "the."

29. Amend section 17 by inserting the word "in" between the words "and" and "the," in line 34.

30. Amend by adding the following article before article headed "General Provisions:"

COMMISSIONERS OF WATER WORKS.

§ 1. In such cities of the second class as own a water works system there shall be a board, to be styled "The Commissioners of Water Works," to be composed of three persons, appointed by the mayor, president of the board of councilmen, and the president of the board of aldermen, subject to the approval of the board of aldermen. The qualifications of these commissioners shall be the same as for members of the board of aldermen, and the term of office of the present commissioners (in such cities as have such commissioners) expire, their successors shall be appointed not later than the fourth Monday of each January, to serve for a term of three years. They shall serve without compensation, and shall give bond in the sum of \$5,000 each for the faithful discharge of their duties. Said commissioners of water works shall be contracted with, to sue and be sued, to appoint and discharge a superintendent and a secretary, and allow them such compensation as the general council may approve, and to do any and all things necessary or proper to the prudent management and operation of the water works of the city.

§ 2. Said commissioners shall make monthly reports to the general council, showing the condition of the works under their control, the amount of money received and disbursed since their last report, and the amount on hand, and such other things and matters as council shall from time to time require. The city treasurer shall act as their treasurer, without further compensation, and all moneys shall be deposited with him, and an accurate and separate account thereof kept, and the same shall be open at all times to the inspection of the general council or any member thereof. Said commissioners shall be governed by, and subject to, all orders and ordinances concerning them or said water works, that may be passed from time to time. Said commissioners shall have power and authority, subject to the reasonable regulation by ordinance, to open streets, alleys and other public places for the purpose of laying, inspection and repairing water mains, service pipes, branches, valves, water-gates, fire hydrants and meters.

§ 3. The treasurer of the city shall, without further compen-

sation, act as treasurer of the commissioners of the water works, and as such, shall keep separate and distinct from all other funds, all moneys, bonds and securities belonging to the said commissioners, and shall at once deposit same in the city depository to the credit of the commissioners of water works, and shall only pay out or deliver any of said funds, bonds or securities drawn upon him by the secretary of said commissioners, signed by their chairman. A majority of said commissioners shall constitute a quorum for the transaction of business.

31. Amend article headed General Provisions by adding the following as section 11:

§ 11. The one-half part of the net income which any city of the second class may derive from any bridge or system of water works owned by it, shall be carried to the street improvement fund of the city, and be by it exclusively devoted to the payment of the city's part of the cost and expense of the construction or reconstruction of any street, alley or public way.

32. Amend section 1, article headed "Elections," by striking out of lines 5 and 6 the words "city jailer for a term of two years," and insert in lieu thereof the words "city attorney for a term of four years;" amend same section by striking out of line 6 the word "three," and insert instead the word "two;" also strike out of line 7 the words "two members of the board of aldermen for each ward," and insert in lieu thereof the words "eight aldermen from the city at large."

33. Amend article headed "Elections" by adding the following as sections 2, 3:

§ 2. Any candidate who may desire to contest the election of any opposing candidate at any city election, shall file a written petition, setting forth the grounds of the contest, with the clerk of the board of aldermen, not later than ten days after the election. Whereupon the general council, at such joint meeting, shall proceed to try said contest according to the provisions of the ordinance regulating the same; and the president of the joint meeting shall have the same power to compel and examine the defendant and witnesses, and to require them to testify, and to administer oaths that circuit courts have. If the contestant shall be found to have been legally elected, and the contestee shall be removed, the contestant shall be awarded the office. If it is decided that neither contestant nor contestee has been legally elected, the office shall be declared vacant. The joint meeting shall adjourn to meet again from time to time, until all of its business shall have been completed. The decision of the general council shall be final in all cases of contest, and the contestant and contestee shall both have the right to be heard in person or by counsel.

§ 3. The terms of all officers elected by the people, unless otherwise expressly provided by this act or by ordinance creating the office, shall begin on the first Monday in January next

succeeding their election. Except as otherwise provided, the terms of all other officers shall begin on the first Monday in February. All officers excepting those who have been suspended, impeached or removed from office by process of law, shall continue until their successors have qualified.

§ 4. Every city officer except those otherwise provided, and every such employe as the general council may require, before entering upon the discharge of his duties, shall give bond, with good and sufficient sureties, to be approved by the board of aldermen and the mayor, for the faithful performance of his duties; the strict accounting and payment to the city of all moneys received by him, and the prompt turning over on demand, of all the books and papers of the city which may come to his possession, and to be in such penal sum as may be fixed herein or provided for by ordinance; and when the bond of any officer is fixed by law, the general council is authorized to, from time to time, fix the amount of the bond at any larger amount they may see fit, not exceeding double the amount fixed by law. The official bonds of all officers (except the city clerk whose bond shall be kept by the treasurer) shall be taken in a book to be called the "Official Bond Book," which shall be kept by the city clerk, and be properly indexed.

§ 5. Whenever it shall appear to the satisfaction of the general council that the official bond of any officer is defective or insufficient, it may cause notice to be given such officer to furnish a new bond, with good and sufficient sureties, within five days therefrom, to be approved as the original was, and upon default thereof, he may be suspended by the mayor and be removed by the general council and the office declared vacant: *Provided, however,* That nothing herein shall apply to the office of judge of the police court. The general council may also release any surety or sureties upon any official bond, on application, after ten days' notice to such officer, and thereupon such officer shall execute a new bond within five days, with surety, to be approved as was the original, unless the remaining surety or sureties on the original bond be found sufficient by the approving authority, and in writing agree to remain as such surety. If the new bond be not given, if required by the approving authority, such officer shall be removed as above, and his office be declared vacant.

§ 6. No person shall be eligible to hold any office under, or be a member of the general council or the board of education, and at the same time hold any other civil office, excepting notary public, or an officer of militia. No member of the general council or board of education shall be eligible to any office or appointment to be filled or confirmed by the body of which he is a member, nor to any office or appointment which may have been created, or the emoluments of which may have been increased by the board of which he was a member while he was such member, until one year after the term for which he was elected as such member shall have expired.

34. Amend section 15 of article headed "Public Schools," by striking out all of lines 1 and 2, and down to and including the word "board," in line 3, and insert in lieu thereof the following: "Said board of education shall elect a clerk, who shall attend all the meetings of the said board. His term of office shall commence on the 1st of January succeeding his election, and he shall hold his office for the term of one year, unless sooner dismissed for failure to perform his duties, or for other causes."

Said amendments were all agreed to.

Mr. Pettit offered the following amendment by way of substitute for section 1 of the article on revenue and taxation, viz:

§ 1. Each city shall raise revenue from ad valorem taxes, by assessments upon all real estate and all personal property held or owned by persons residing within the corporate limits, including bonds, stocks and choses in action, subject to taxation by the State, and levy and collect same to the maximum rate permitted by the Constitution; and may also levy and collect a poll-tax, not exceeding one dollar and fifty cents, on each inhabitant who has attained twenty-one years of age, and to impose and collect license fees on stock used for breeding purposes; on franchises, trades, occupations and professions.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Pettit and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

W. W. Ayers,	J. C. Glenn,	J. P. O'Meara,
W. P. Beard,	Thos. H. Hanks,	Thos. S. Pettit,
B. F. Bennett,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	H. K. Hay,	D. H. Severs,
R. F. Comer,	P. R. Hays,	S. H. Shouse,
J. S. Cullen,	R. M. Kincheloe,	W. R. Stewart,
McD. Ferguson,	Hiram McElroy	J. R. Summers,
Wm. Garrison,	W. F. Neat,	J. R. Thomas—24.

Those who voted in the negative, were—

Mr. (Speaker) Moore,	J. P. Gay,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	A. T. Pullen,
Posey D. Ball,	A. L. Harned,	C. D. Reed,
A. J. Carroll,	B. B. Hensley,	John Ryan,
B. E. Caudill,	W. J. Hissem,	Fenton Sims,
L. J. Cox,	F. W. Hutcheson,	C. C. Spalding,
W. J. Cox,	W. W. Johnson,	W. W. Stephenson,
James R. Dean,	Lewis Y. Leavell,	John M. Tinsley,
John Finn,	C. W. Mathers,	N. S. Walton,
J. M. Frazee,	W. H. May,	John D. Woods—30.

Mr. James offered an amendment as follows, viz :

Amend section 2 of the article on revenue and taxation by striking out all after the word " provided " in line 15.

Said amendment was agreed to.

Mr. Bennett offered an amendment as follows, viz :

Amend section 4 of the article on revenue and taxation by striking out " five," in line 2, and by inserting in lieu thereof " four."

Said amendment was agreed to.

Ordered, That said bill, as amended, be engrossed and read the third time.

Said bill being engrossed, was read the third time by its title,

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	W. H. May,
W. W. Ayres,	Ben. F. Gardner,	Hiram McElroy,
W. S. Bailey,	J. P. Gay,	W. F. Neat,
John Bartman,	S. M. Gough,	Eli Nicholls,
R. F. Bass,	Geo. T. Halbert,	W. F. Peak,
W. P. Beard,	Thos. H. Hanks,	J. F. Porter,
B. F. Bennett,	U. G. Harlow,	A. T. Pullen,
John Botts,	A. L. Harned,	C. D. Reed,
Polk Cansler,	H. K. Hay,	John Ryan,
A. J. Carroll,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	B. B. Hensley,	Fenton Sims,
F. P. Combest,	W. J. Hissem,	C. C. Spalding,
R. F. Comer,	F. W. Hutcheson,	W. W. Stephenson,
L. J. Cox,	Daniel James,	W. R. Stewart,
W. J. Cox,	W. W. Johnson,	John M. Tinsley,
J. M. Dawson, Jr.,	William Krieger,	N. S. Walton,
James R. Dean,	Lewis Y. Leavell,	B. F. Willett,
McD. Ferguson,	C. W. Mathers,	John D. Woods—55.
John Finn,		

Those who voted in the negative, were—

J. C. Glenn, Thos. S. Pettit, J. R. Thomas—3.

Resolved, That the title thereof be as aforesaid.

The House took up the following special orders, viz :

H. B. 258. A bill to establish a State Board of Pharmacy, defining its duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky.

S. B. 259. An act to regulate the sale of poisons in this Commonwealth.

Ordered, That said bills be placed in the orders of the day.

The House took up the following special order, viz :

S. B. 224. An act dividing the State into thirty-eight Senatorial Districts.

Said bill reads as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The State of Kentucky is hereby divided into thirty-eight Senatorial Districts, as follows, to wit :

The First District shall be composed of the counties of Hickman, Fulton and Graves.

Second District of the counties of McCracken, Marshall, Ballard and Carlisle.

Third District of the counties of Lyon, Livingston, Calloway and Trigg.

Fourth District of the counties of Caldwell, Crittenden and Webster.

Fifth District of the counties of Henderson and Union.

Sixth District of the counties of Christian and Hopkins.

Seventh District of the counties of Ohio, Muhlenberg and Butler.

Eighth District of the counties of Daveiss and McLean.

Ninth District of the counties of Logan, Simpson and Todd.

Tenth District of the counties of Breckinridge, Hancock, Edmonson and Grayson.

Eleventh District of the counties of Warren and Allen.

Twelfth District of the counties of Hardin, Meade and Bullitt.

Thirteenth District of the counties of Hart, Larue and Green.

Fourteenth District of the counties of Nelson, Shelby and Spencer.

Fifteenth District of the counties of Marion, Washington and Taylor.

Sixteenth District of the counties of Clinton, Cumberland, Adair, Russell and Wayne.

Seventeenth District of the counties of Laurel, Pulaski, Whitley, Knox, Bell, Jackson and Owsley.

Eighteenth District of the counties of Lincoln, Boyle, Garrard and Casey.

Nineteenth District of the counties of Barren, Metcalfe and Monroe.

Twentieth District of the counties of Anderson, Franklin and Mercer.

Twenty-first District of the counties of Henry, Oldham, Trimble and Carroll.

Twenty-second District of the counties of Woodford, Scott and Jessamine.

Twenty-third District of the counties of Gallatin, Boone and Owen.

Twenty-fourth District of the county of Kenton.

Twenty-fifth District of the county of Campbell.

Twenty-sixth District of the counties of Bracken, Pendleton and Grant.

Twenty-seventh District of the county of Fayette.

Twenty-eighth District of the counties of Bourbon, Clark and Montgomery.

Twenty-ninth District of the counties of Madison, Estill and Rockcastle.

Thirtieth District of the counties of Nicholas, Harrison and Robertson.

Thirty-first District of the counties of Mason and Fleming.

Thirty-second District of the counties of Boyd, Greenup, Lawrence and Elliott.

Thirty-third District of the counties of Perry, Letcher, Clay, Harlan, Floyd, Pike, Knott and Martin.

Thirty-fourth District of the counties of Magoffin, Breathitt, Johnson, Menefee, Morgan, Wolfe, Powell and Lee.

Thirty-fifth District of the counties of Rowan, Bath, Lewis and Carter.

Thirty-sixth District of the First Senatorial District of the county of Jefferson, embracing the territory outside of the corporate limits of the city of Louisville, and the first and second wards of said city.

Thirty-seventh District of the Second Senatorial District of the county of Jefferson, embracing the third, fourth, fifth, sixth and seventh wards of the city of Louisville.

Thirty-eighth District of the Third Senatorial District of the county of Jefferson, embracing the eighth, ninth, tenth, eleventh and twelfth wards of the city of Louisville.

§ 2. If any new county shall be created before the next apportionment of representation, it shall, for the purpose of representation, be considered as part of the district from which the greater part of its territory was taken.

§ 3. At the general election in the year 1893 one Senator shall be elected in each of said districts. The Senators then elected shall hold their offices, one-half for two years and one-half for four years, as shall be determined by lot at the first session of the General Assembly after their election. Every two years thereafter there shall be elected for four years one Senator in each Senatorial District in which the term of his predecessor in office will then expire.

§ 4. By reason of the constitutional provision that an election shall be held under this apportionment at the regular election in 1893, an emergency is hereby declared to exist for the immediate taking effect of this act, and, therefore, it shall take effect from its approval by the Governor.

The Committee on Legislative Districts, by consent of the House, withdrew the amendments heretofore offered by it to said bill.

Mr. Halbert, by consent of the House, withdrew the substitute heretofore offered by him for said bill.

Mr. Will. J. Cox offered an amendment to said bill as follows :

In line 13 strike out "Hopkins." In line 15 strike out "Butler" and insert "Hopkins." In line 20 add "Butler."

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Sims and Bennett, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	Ben. F. Gardner,	Hiram McElroy,
W. S. Bailey,	J. P. Gay,	J. P. O'Meara,
Posey D. Ball,	J. C. Glenn,	A. T. Pullen,
R. F. Bass,	S. M. Gough,	C. D. Reed,
W. P. Beard,	Thos. H. Hanks,	S. H. Shouse,
John Botts,	U. G. Harlow,	Fenton Sims,
Polk Cansler,	A. L. Harned,	C. C. Spalding,
A. J. Carroll,	R. K. Hart,	W. W. Stephenson,
B. E. Caudill,	H. K. Hay,	J. R. Summers,
L. J. Cox,	B. B. Hensley,	J. R. Thomas,
W. J. Cox,	W. W. Johnson,	D. W. Tribble,
J. M. Dawson, Jr.,	William Krieger,	N. S. Walton,
James R. Dean,	Lewis Y. Leavell,	B. F. Willett,
J. M. Frazee,	C. W. Mathers,	John D. Woods—44.
Wm. Garrison,	W. H. May,	

Those who voted in the negative, were—

W. W. Ayres,	John Finn,	W. F. Peak,
B. F. Bennett,	P. R. Hays,	Thos. S. Pettit,
F. P. Combest,	W. J. Hissem,	J. F. Porter,
R. F. Comer,	F. W. Hutcheson,	W. R. Stewart,
J. S. Cullen,	W. F. Neat,	Samuel O. Tate,
McD. Ferguson,	Eli Nicholls,	John M. Tinsley—18.

Mr. Frazee offered an amendment as follows :

In line 54 strike out "Fleming" and insert "Lewis;" and in line 61 strike out "Lewis" and insert "Fleming."

Said amendment was agreed to.

Mr. Tribble offered an amendment as follows, viz :

In line 30 add "Rockcastle;" in line 51 strike out "Rockcastle" and insert "Powell;" in line 60 strike out "Powell."

Said amendment was disagreed to.

Mr. Severs offered an amendment as follows :

Amend tenth district by striking out "Edmonson" and "Grayson," and by inserting "Meade." Amend nineteenth district by adding "Edmonson." Amend twelfth district by striking out "Meade" and by inserting "Grayson."

Said amendment was disagreed to.

Mr. Tribble offered the following as a substitute for said bill as amended :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The State of Kentucky is hereby divided into thirty-eight Senatorial Districts, as follows, to wit :

The first district shall be composed of the counties of Fulton, Hickman and Graves.

Second district of the counties of McCracken, Marshall, Ballard and Carlisle.

Third district of the counties of Lyon, Livingston, Calloway and Trigg.

Fourth district of the counties of Caldwell, Crittenden and Webster.

Fifth district of the counties of Henderson and Union.

Sixth district of the counties of Christian and Hopkins.

Seventh district of the counties of Daveiss and McLean.

Eighth district of the counties of Butler, Muhlenberg and Ohio.

Ninth district of the counties of Logan, Simpson and Todd.

Tenth district of the counties of Breckinridge, Hancock, Edmonson and Grayson.

Eleventh district of the counties of Warren and Allen.

Twelfth district of the counties of Hardin, Meade, Bullitt and Spencer.

Thirteenth district of the counties of Hart, Larue, Green and Adair.

Fourteenth district of the counties of Marion, Washington, Taylor and Nelson.

Fifteenth district of the counties of Clinton, Cumberland, Russell, Wayne and Pulaski.

Sixteenth district of the counties of Jackson, Laurel, Owsley, Rockcastle and Whitley.

Seventeenth district of the counties of Bell, Knox, Clay, Leslie, Perry, Letcher and Harlan.

Eighteenth district of the counties of Lincoln, Boyle, Garrard and Casey.

Nineteenth district of the counties of Barren, Metcalfe and Monroe.

Twentieth district of the counties of Anderson, Franklin and Mercer.

Twenty-first district of the counties of Henry, Trimble, Oldham and Shelby.

Twenty-second district of the counties of Scott, Jessamine and Woodford.

Twenty-third district of the counties of Carroll, Gallatin, Boone and Owen.

Twenty-fourth district of the county of Kenton.

Twenty-fifth district of the county of Campbell.

Twenty-sixth district of the counties of Bracken, Pendleton and Grant.

Twenty-seventh district of the county of Fayette.

Twenty-eighth district of the counties of Bourbon, Clark and Montgomery.

Twenty-ninth district of the counties of Madison, Estill and Powell.

Thirtieth district of the counties of Nicholas, Harrison and Robertson.

Thirty-first district of the counties of Mason, Lewis and Fleming.

Thirty-second district of the counties of Boyd, Greenup, Lawrence and Elliott.

Thirty-third district of the counties of Johnson, Martin, Floyd, Pike and Knott.

Thirty-fourth district of the counties of Magoffin, Breathitt, Morgan, Wolfe and Lee.

Thirty-fifth district of the counties of Rowan, Bath, Carter and Menefee.

Thirty-sixth district of the First Senatorial District of the county of Jefferson, embracing the territory outside of the corporate limits of the city of Louisville, and the first and second wards of said city.

Thirty-seventh district of the Second Senatorial District of the county of Jefferson, embracing the third, fourth, fifth, sixth and seventh wards of the city of Louisville.

Thirty-eighth district of the Third Senatorial District of the county of Jefferson, embracing the eighth, ninth, tenth, eleventh and twelfth wards of the city of Louisville.

§ 2. If any new county shall be created before the next apportionment of representation, it shall, for the purpose of representation, be considered as part of the district from which the greater part of its territory was taken.

Said substitute was disagreed to.

The yeas and nays being required thereon by Messrs. Tribble and Gardner, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	F. W. Hutcheson,	W. W. Stephenson,
B. F. Bennett,	Lewis Y. Leavell,	J. R. Thomas,
F. P. Combest,	W. F. Peak,	John M. Tinsley,
McD. Ferguson,	J. F. Porter,	D. W. Tribble,
Geo. T. Halbert,	A. T. Pullen,	John D. Woods—16.
P. R. Hays,		

Those who voted in the negative, were—

W. W. Ayres,	J. M. Frazee,	William Krieger.
W. S. Bailey,	Wm. Garrison,	C. W. Mathers,
John Bartman,	Ben. F. Gardner,	Hiram McElroy,
R. F. Bass,	J. C. Glenn,	J. P. O'Meara,
W. P. Beard,	S. M. Gough,	Thos. S. Pettit,
B. T. Birkhead,	Thos. H. Hanks,	C. D. Reed,
John Botts,	U. G. Harlow,	S. H. Shouse,
A. J. Carroll,	A. L. Harned,	Fenton Sims,
L. J. Cox,	R. K. Hart,	C. C. Spalding,
W. J. Cox,	B. B. Hensley,	W. R. Stewart,
J. S. Cullen,	W. J. Hissem,	Samuel O. Tate,
J. M. Dawson, Jr.,	Daniel James,	N. S. Walton,
James R. Dean,	W. W. Johnson,	B. F. Willett—40.
John Finn,		

Ordered, That said bill, as amended, be read the third time.

Said bill, as amended, was read the third time at length and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. P. Gay,	W. F. Neat,
W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
W. S. Bailey,	S. M. Gough,	J. P. O'Meara,
John Bartman,	Thos. H. Hanks,	W. F. Peak,
R. F. Bass,	U. G. Harlow,	Thos. S. Pettit,
W. P. Beard,	A. L. Harned,	J. F. Porter,
B. T. Birkhead,	R. K. Hart,	A. T. Pullen,
John Botts,	H. K. Hay,	C. D. Reed,
A. J. Carroll,	P. R. Hays,	S. H. Shouse,
R. F. Comer,	B. B. Hensley,	Fenton Sims,

L. J. Cox,	Daniel James,	C. C. Spalding,
W. J. Cox,	W. W. Johnson,	W. W. Stephenson,
J. M. Dawson, Jr.,	R. M. Kincheloe,	W. R. Stewart,
James R. Dean,	William Krieger,	J. R. Summers,
John Finn,	Lewis Y. Leavell,	N. S. Walton,
J. M. Frazee,	C. W. Mathers,	B. F. Willett,
Wm. Garrison,	W. H. May,	John D. Woods—53.
Ben. F. Gardner,	Hiram McElroy,	

Those who voted in the negative, were—

B. F. Bennett,	McD. Ferguson,	Samuel O. Tate,
Polk Cansler,	Geo. T. Halbert,	J. R. Thomas,
B. E. Caudill,	W. J. Hissem,	John M. Tinsley,
F. P. Combest,	F. W. Hutcheson,	D. W. Tribble—14.
J. S. Cullen,	D. H. Severs,	

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

WEDNESDAY, MAY 31, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	Wm. Garrison,	W. F. Neat,
Lewis Alexander, Sr.,	S. M. Gough,	Eli Nicholls,
W. W. Ayres,	Geo. T. Halbert,	J. P. O'Meara,
W. S. Bailey,	Thos. H. Hanks,	W. F. Peak,
R. F. Bass,	U. G. Harlow,	Thos. S. Pettit,
W. P. Beard,	A. L. Harned,	J. F. Porter,
B. F. Bennett,	H. K. Hay,	A. T. Pullen,
B. T. Birkhead,	P. R. Hays,	C. D. Reed,
John Botts,	B. B. Hensley,	John Ryan,
Polk Cansler,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	S. H. Shouse,
F. P. Combest,	Daniel James,	C. C. Spalding,
R. F. Comer,	W. W. Johnson,	W. W. Stephenson,

L. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	William Krieger,	Samuel O. Tate,
James R. Dean,	Lewis Y. Leavell,	Lewis E. Thomas,
E. M. Dickson,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	W. H. May,	N. S. Walton,
McD. Ferguson,	John S. May,	B. F. Willett,
John Finn,	Hiram McElroy,	John D. Woods—64.
J. M. Frazee,		

The following members were absent, viz :

T. J. Arnett,	J. P. Gay,	Granville Philpot,
Posey D. Ball,	J. C. Glenn,	E. M. Pryse,
John Bartman,	R. K. Hart,	I. M. Quigley,
John T. Bashaw,	Berry Howard,	R. E. Roberts,
P. S. Bruner,	J. S. Joplin,	Waller Sharp,
A. J. Carroll,	Henry Kremer,	Fenton Sims,
A. H. Charlton,	John M. Letterle,	John M. Tinsley,
Will J. Cox,	H. P. Lively,	D. W. Tribble,
Wesley Crow,	M. D. McIuerney,	J. H. Welch,
D. B. Edmiston,	Harvey Myers,	H. P. Whitaker,
George Will. Follis,	John Lee Payne,	Geo. E. Willett,
Ben. F. Gardner,	J. A. Perkins,	R. B. Wilson—36.

The Journal of yesterday's proceedings was approved.

Mr. O'Meara, from the Committee of Conference, whose duty it was to take into consideration the matters of difference and disagreement between the two Houses relative to a bill, entitled S. B. 213. An act relating to evidence,

Offered the following report, viz :

The Joint Committee on Conference having under consideration the differences between the two Houses on Senate bill 213, respectfully recommend that the Senate concur in House amendment No. 1, and that the House recede from amendment No. 2.

Respectfully submitted,

Senate Committee.

JOHN M. GALLOWAY,

J. S. WORTHAM,

W. H. ANDERSON.

House Committee.

J. P. O'MEARA,

FENTON SIMS.

Said report was adopted.

Said bill, as amended, was passed.

[See *Bill and Amendments in House Journal March 28, 1893.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	Eli Nicholls,
Lewis Alexander, Sr.,	J. P. Gay,	J. P. O'Meara,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
Posey D. Ball,	Geo. T. Halbert,	J. F. Porter,
John Bartman,	Thos. H. Hanks,	A. T. Pullen,
R. F. Bass,	U. G. Harlow,	C. D. Reed,
W. P. Beard,	A. L. Harned,	R. E. Roberts,
B. F. Bennett,	R. K. Hart,	John Ryan,
B. T. Birkhead,	H. K. Hay,	D. H. Severs,
John Botts,	P. R. Hays,	S. H. Shouse,
Polk Cansler,	B. B. Hensley,	Fenton Sims,
F. P. Combest,	W. J. Hissem,	C. C. Spalding,
R. F. Comer,	F. W. Hutcheson,	W. R. Stewart,
L. J. Cox,	Daniel James,	J. R. Summers,
J. S. Cullen,	W. W. Johnson,	Samuel O. Tate,
J. M. Dawson, Jr.,	R. M. Kincheloe,	Lewis E. Thomas,
James R. Dean,	T. S. Kirk,	J. R. Thomas,
E. M. Dickson,	William Krieger,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	D. W. Tribble,
McD. Ferguson,	C. W. Mathers,	N. S. Walton,
John Finn,	John S. May,	B. F. Willett,
J. M. Frazee,	Hiram McElroy,	John D. Woods—71.
Wm. Garrison,	W. F. Neat,	

In the negative—none.

Leave of absence, for an indefinite period, was granted Mr. Will. J. Cox.

Messrs. Kirk and John S. May announced that had they been present on yesterday they would have voted in the negative on the passage of

S. B. 224. An act dividing the State into thirty-eight Senatorial Districts.

Bills and a resolution were reported by committees as follows :

By Mr. Halbert, from the Committee on General Statutes—

H. B. 554. A bill to prevent and punish fraud in sales of wearing apparel at public or private sales by itinerant venders, and to regulate all such sales,

With the expression of opinion that said bill ought not to pass.

Said bill was read the first time at length, and the House refused to order same to its second reading, the opinion of the committee to the contrary notwithstanding.

So said bill was rejected.

By Mr. Walton, from the Committee on Printing and Accounts—

H. B. 544. A bill providing for the removal of the seat of government from the city of Frankfort, and the location of same in the city of Lexington.

By Mr. Sims, from the Committee on Judiciary—

H. B. 556. A bill to authorize the county court of the several counties of this Commonwealth to submit propositions for removing county seats to the legal voters of the respective counties.

Said bills were severally read the first time at length, ordered to be printed, and read the second time on another day.

By Mr. Sims, from same committee—

H. Resolution 102. Resolution directing the Attorney-General to institute proceedings against the Kentucky Leaf Tobacco Exchange,

With the expression of opinion that said resolution ought not to be adopted.

The House refused to order said resolution to its third reading, the opinion of the committee to the contrary notwithstanding.

Said resolution was rejected.

The House took up the special order of the day, viz :

The motion heretofore entered by Mr. Finn to reconsider the vote by which the House failed to pass a bill, entitled

H. B. 514. A bill to prohibit book-making and pool-selling.

[*See Bill in House Journal May 17, 1893.*]

Said motion was agreed to.

Mr. Hanks moved that the vote by which said bill was ordered to its third reading be reconsidered.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Hissem and J. R. Thomas, were as follows, viz :

Those who voted in the affirmative, were—

Posey D. Ball,	J. M. Frazee,	J. P. O'Meara,
W. P. Beard,	J. P. Gay,	Thos. S. Pettit,
B. T. Birkhead,	Thos. H. Hanks,	I. M. Quigley,
John Botts,	R. K. Hart,	R. F. Roberts,
Polk Cansler,	H. K. Hay,	John Ryan,
A. J. Carroll,	Daniel James,	S. H. Shouse,
B. E. Caudill,	Wm. Krieger,	Fenton Sims,
L. J. Cox,	Lewis Y. Leavell,	C. C. Spalding,
James R. Dean,	W. H. May,	J. H. Welch,
E. M. Dickson,	John S. May,	John D. Woods—32.
John Finn,	Hiram McElroy,	

Those who voted in the negative, were—

Lewis Alexander, Sr.,	Ben. F. Gardner,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
John Bartman,	Geo. T. Halbert,	A. T. Pullen,
R. F. Bass,	P. R. Hays,	C. D. Reed,
B. F. Bennett,	B. B. Hensley,	D. H. Severs,
R. F. Comer,	W. J. Hissem,	W. R. Stewart,
J. S. Cullen,	F. W. Hutcheson,	J. R. Summers,
J. M. Dawson, Jr.,	T. S. Kirk,	Samuel O. Tate,
J. E. Durham,	Henry Kremer,	Lewis E. Thomas,
McD. Ferguson,	C. W. Mathers,	J. R. Thomas,
Wm. Garrison,	W. F. Neat,	N. S. Walton—36.

Said bill was placed upon its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	J. P. O'Meara,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
B. F. Bennett,	S. M. Gough,	Thos. S. Pettit,
B. T. Birkhead,	Geo. T. Halbert,	J. F. Porter,
John Botts,	P. R. Hays,	Fenton Sims,
Polk Cansler,	W. J. Hissem,	W. R. Stewart,
R. F. Comer,	F. W. Hutcheson,	J. R. Summers,
J. S. Cullen,	T. S. Kirk,	Samuel O. Tate,
James R. Dean,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	W. F. Neat,	N. S. Walton,
McD. Ferguson,	Eli Nicholls,	John D. Woods—34.
John Finn,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	Hiram McElroy,
W. S. Bailey,	Thos. H. Hanks,	I. M. Quigley,
Posey D. Ball,	R. K. Hart,	C. D. Reed,
John Bartman,	B. B. Hensley,	R. E. Roberts,
R. F. Bass,	Henry Kremer,	John Ryan,
B. E. Caudill,	Lewis Y. Leavell,	D. H. Severs,
L. J. Cox,	W. H. May,	C. C. Spalding,
E. M. Dickson,	John S. May,	D. W. Tribble—25.
J. M. Frazee,		

And so said bill was rejected.

The House took from the orders of the day a resolution and bills as follows, viz :

H. Resolution 107. Resolution to direct county clerks to send to the State Board of Equalization tax-books and other papers necessary in the performance of their duties.

H. B. 537. A bill to amend an act, entitled "An act relating to State penitentiaries," approved 1893, and declaring an emergency.

H. B. 550. A bill to empower the trustees of the State Normal School for Colored Persons at Frankfort to build a dormitory.

H. B. 551. A bill to amend an act, entitled "An act relating to revenue and taxation."

H. B. 552. A bill to amend an act, entitled "An act for the government of cities of the sixth class."

S. B. 226. An act to provide for the more perfect and uniform indexing of the public records in counties of this Commonwealth having a population of 75,000 or more.

Said resolution and bills were severally read the second time by their titles,

The constitutional provision as to the reading of same the second time at length being dispensed with.

Also the motion, heretofore entered by Mr. Woods, to reconsider the vote by which the House failed to pass

S. B. 238. An act to amend an act, entitled "An act to increase the efficiency of Inspector of Mines, and more fully provide for the protection of the lives and health of persons employed in the coal mines of this State," approved January 13, 1893.

Said motion was agreed to.

And so said bill was passed.

[See *Bill in House Journal May 24, 1893.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Ben. F. Gardner,	Hiram McElroy,
W. W. Ayres,	J. P. Gay,	W. F. Neat,
W. S. Bailey,	J. C. Glenn,	Eli Nicholls,
Posey D. Ball,	S. M. Gough,	J. P. O'Meara,
John Bartman,	Geo. T. Halbert,	J. F. Porter,
R. F. Bass,	U. G. Harlow,	A. T. Pullen,
W. P. Beard,	B. B. Hensley,	I. M. Quigley,
B. T. Birkhead,	W. J. Hissem,	C. D. Reed,
Polk Cansler,	F. W. Hutcheson,	R. E. Roberts,
A. J. Carroll,	Daniel James,	John Ryan,
B. E. Caudill,	W. W. Johnson,	D. H. Severs,
F. P. Combest,	R. M. Kincheloe,	Fenton Sims,
R. F. Comer,	T. S. Kirk,	C. C. Spalding,
L. J. Cox,	Henry Kremer,	J. R. Summers,
J. M. Dawson, Jr.,	William Krieger,	J. R. Thomas,
James R. Dean,	Lewis Y. Leavell,	John M. Tinsley,
McD. Ferguson,	C. W. Mathers,	D. W. Tribble,
John Finn,	W. H. May,	B. F. Willett,
Wm. Garrison,	John S. May,	John D. Woods—57.

Those who voted in the negative, were—

B. F. Bennett,	H. K. Hay,	Thos. S. Pettit,
J. S. Cullen,	P. R. Hays,	S. H. Shouse,
J. E. Durham,	W. F. Peak,	W. R. Stewart—10.
Thos. H. Hanks,		

Resolved, That the title thereof be as aforesaid.

Also S. B. 204. An act in relation to the Library of the Commonwealth and the Librarian thereof, and entitled "Library,"

Together with the amendments proposed thereto by the Committee on Public Offices and Library.

Said bill and proposed amendments read as follows :

ARTICLE I. LIBRARY ROOMS—FUNDS FOR INCREASE OF.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The rooms in the basement story in the Cap-

itol, at the left and right hand of the entrance, are hereby set apart for the Library of the Commonwealth.

§ 2. Five hundred dollars per annum and the tax on all appeals in the Court of Appeals are forever set apart for the gradual increase of the Library, to be laid out and expended under the advice and direction of the Judges of the Court of Appeals.

§ 3. The Librarian shall, annually, make and lay before the Judges of the Court of Appeals an affidavit showing the amount he has, during the previous year, expended in the purchase of books, maps or charts, under the advice and direction aforesaid, and give a scedule, together with the prices thereof. Such judges, or any three of them, may draw an order on the Auditor therefor; but the amount shall not exceed five hundred dollars in any one year, and such order shall authorize the Auditor to issue his warrant on the Treasury for the amount.

§ 4. The Librarian is further authorized to expend each year, in the purchase of literary and miscellaneous works for the use of the Library, the sum of two hundred dollars; and upon filing with the Auditor a statement showing the character of books purchased, and the prices paid therefor, the Auditor shall draw his warrant upon the Treasury for the price of such books, not exceeding the sum herein named.

ARTICLE II. WHAT BOOKS CONSTITUTE.

§ 5. The following books shall constitute a part of the Library of the Commonwealth, to wit: All the books now on hand, of which there are not exceeding four sets, except the following, of which there shall be the number of sets named: Moorehead and Brown's edition of the Statutes, twenty sets; the Revised Statutes, twenty sets; the Code of Practice, twenty sets; Pirtle's Digest, ten sets; Barbour's Digest, ten sets; General Statutes, twenty sets; Myers' Supplement, ten sets; this revision, twenty sets; two sets of the Journals of each of the two Houses of Congress; of the Journal of each House of the General Assembly of the State, twenty-five sets; of the Acts of each session of Congress, two sets; of the Acts of each session of the General Assembly of Kentucky, fifty-sets; of the reports of the Decisions of the Court of Appeals, ten sets; and such other books as may be purchased by or given to the Library.

§ 6. Any person may use the books of the Library in the Library, but the Librarian shall not permit any one to take the books out of the Library, except the members of the General Assembly, during the session of the Legislature, the Judges of the Court of Appeals and Superior Court, the Attorney-General, the Governor, and other State officials; but attorneys-at-law shall be allowed to take the books to the rooms of the Court of Appeals, to be used in the argument of cases there pending. The Librarian shall keep a record, in which he shall charge each

book to the person taking it from the Library, and he shall see that all books so taken are returned at the proper time. If any person shall fail to return a book taken out by him, he shall be responsible to the Librarian for double the value thereof.

ARTICLE III. LIBRARIAN, ELECTION AND DUTIES OF.

§ 7. The present Librarian shall hold office until the first Monday in June, 1894, and a Librarian shall be elected by the General Assembly in January, 1894, and every two years thereafter, for the term of two years, commencing on the first Monday in June after his election, and, after the term of office of the present Librarian has expired, shall receive an annual salary of twelve hundred dollars, payable in the same manner as the salary of the Governor. The Librarian shall hold his office until his successor is duly elected and qualified.

§ 8. The Librarian, before he enters upon the duties of his office, shall enter into bond, payable to the Commonwealth, in the penal sum of five thousand dollars, with two or more sureties, to be approved by the Governor, conditioned for the faithful discharge of all the duties imposed, or which shall be imposed, upon him by law, which bond shall be filed with, and preserved by, the Secretary of State, and upon which suit may be prosecuted from time to time, in the name of the Commonwealth of Kentucky, for violation thereof.

§ 9. The Librarian may, with the consent and approval of the Court of Appeals, appoint an Assistant Librarian, to assist in taking care of the Library, public buildings and other property under the charge of the Librarian, and in the discharge of any other duty imposed by law upon the Librarian as such; for all of whose acts as such Assistant the Librarian shall be responsible on his bond; and upon the certificate of the Librarian that such Assistant has been appointed and has discharged the duties required by the Librarian during the month, the Auditor of Public Accounts shall draw his warrant upon the Treasurer, on the last day of each month, in favor of such Assistant Librarian, for the sum of sixty dollars.

§ 10. The Librarian may also employ a porter, at a salary of \$25 per month, to be paid out of the Treasury, upon the warrant of the Auditor, which warrant shall be issued upon the certificate of the Librarian. The porter shall perform such duties as may be required of him by the Librarian.

§ 11. It shall be the duty of the Librarian, first, to attend to and keep the Library rooms open every day (Sunday excepted) from nine o'clock A. M. until five o'clock P. M., and during the sessions of the General Assembly from eight o'clock A. M. to ten o'clock P. M.; second, to keep the Library rooms in order, and to preserve and arrange all the books, charts, maps and furniture belonging to the Commonwealth, and to see that no books

or other things are taken from the Library rooms improperly ; third, to receipt for all books, maps, charts and furniture placed in the Library, which receipt shall be given to the Secretary of State, and preserved in his office ; fourth, to have prepared and printed, every six years, a complete catalogue of the books, maps and charts in the Library, and every two years a supplemental pamphlet catalogue of all books, maps and charts received by the Library the preceding two years.

§ 12. The Secretary of State, Attorney-General, and Auditor of Public Accounts shall be Trustees of the Library. They shall see that the Librarian properly discharges the duties of his office.

§ 13. The Librarian shall, in his own name, for the use of the Library, sue any person for a book or other thing drawn from the Library which he fails to return, or for any damage done to any book or other thing belonging to the Library.

§ 14. The Librarian shall, from time to time, with the consent of the Court of Appeals, sell or exchange such portion of the Decisions of the Court of Appeals (other than the new editions of the Kentucky Reports), Acts of Assembly, and other books belonging to the State, as may be deemed expedient, and out of the proceeds thereof, and of the sum recovered under the next preceding section, he may, with such consent, purchase other books, maps or charts.

§ 15. The Librarian shall keep a correct and itemized account of all expenditures made by him, and lay the same before the General Assembly at each stated session thereof, stating under separate heads the object for which, or the department for which, the expenditure was incurred.

§ 16. The Librarian shall provide all the writing paper, ink, and all other stationery necessary for the use of the public offices at the seat of government.

§ 17. He shall advertise for sealed proposals to furnish and supply the above articles, or any portion thereof, which proposals shall be opened in the presence of the Governor and Secretary of State. They and the Librarian shall award the contract to the lowest bidder. The cost of advertising shall be approved by the Governor, and paid out of the treasury. Samples of the quality of each article proposed to be furnished shall accompany the bid, which shall be preserved by the Secretary of State.

§ 18. In addition to the volumes of the decisions of the Court of Appeals now required by law to be delivered to the Librarian, there shall be turned over to him, as soon as the same are published, one copy for each State in the United States, which shall be kept by him for distribution under the next succeeding section.

§ 19. It shall be the duty of the Librarian, by correspondence, to arrange with the proper official of each State of the United States and of the United States, for the exchange of the published de-

cisions of their courts of last resort, and whenever such exchange is agreed upon, the Librarian shall send to such officer one copy of each of the published Decisions of the Court of Appeals of Kentucky, so soon as the same are ready for distribution; and if the published decisions of the courts of last resort of those States, and of the United States, are not promptly sent to the Librarian, as fast as issued, it shall be his duty to write for the same. The Librarian shall keep a record of all books sent to and received from other States and the United States under this section, which record shall be for the use of the Court of Appeals in directing purchases.

§ 20. There shall be placed in the Executive Offices, for the use of the Governor and Secretary of State, of future publications, two copies of the Acts of the General Assembly, two copies of the Journal of the General Assembly, and two copies of each volume of the Decisions of the Court of Appeals; and hereafter, whenever the published Statutes or Decisions of other States are sent to said offices, it shall be their duty to deliver them to the Librarian.

§ 21. Each Librarian shall turn over to his successor separate inventories of all books, stationery and other property that were in the Library at the commencement of his term, and all that were placed in the Library during his term; and each Librarian shall receipt to his predecessor for all books, stationery and other property in the Library at the time he takes charge thereof, and shall be responsible upon his official bond for the value of all books lost from the Library during his term of office.

§ 22. The Librarian is authorized to have water, from the Frankfort water-works, turned into the fountain in Capitol Square.

§ 23. The compensation herein allowed the Librarian and Assistant Librarian shall be in full payment for all services rendered by them as such, and shall include all those services rendered to, or by reason of the sessions of, the General Assembly.

§ 24. A vacancy in the office of Librarian occurring from any cause, during a session of the General Assembly, shall be filled by that body, but if the General Assembly be not in session, such vacancy shall be filled by appointment of the Governor until the commencement of the term of the successor, if one have been elected; otherwise until the next meeting of the General Assembly, when that body shall fill such vacancy for the remainder of that term.

AMENDMENTS.

The amendments proposed to said bill by the Committee on Public Offices and Library are as follows, viz:

Amend section 7 by striking out all after "1894," in line 2,

down to and including "January," in line 3, and by inserting in lieu thereof the words: "And a Librarian shall be appointed by the Judges of the Court of Appeals in June."

Strike out all after the word "Governor," in line 8 of section 7.

Strike out section 24.

Amendment No. 1 was disagreed to.

The yeas and nays being required thereon by Messrs. Hart and Beard, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	C. D. Reed,
W. S. Bailey,	Ben. F. Gardner,	R. E. Roberts,
Posey D. Ball,	J. P. Gay,	S. H. Shouse,
John T. Bashaw,	Geo. T. Halbert,	Fenton Sims,
R. F. Bass,	Thos. H. Hanks,	C. C. Spalding,
B. F. Bennett,	R. K. Hart,	W. W. Stephenson,
John Botts,	William Krieger,	John M. Tinsley,
A. J. Carroll,	W. F. Neat,	D. W. Tribble,
R. F. Comer,	J. P. O'Meara,	J. H. Welch,
L. J. Cox,	Thos. S. Pettit,	John D. Woods—32.
E. M. Dickson,	I. M. Quigley,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	S. M. Gough,	John S. May,
W. W. Ayres,	U. G. Harlow,	Hiram McElroy,
John Bartman,	H. K. Hay,	Eli Nicholls,
W. P. Beard,	P. R. Hays,	W. F. Peak,
Polk Cansler,	B. B. Hensley,	J. F. Porter,
B. E. Caudill,	W. J. Hissem,	A. T. Pullen,
F. P. Combest,	F. W. Hutcheson,	John Ryan,
J. S. Cullen,	Daniel James,	D. H. Severs,
J. M. Dawson, Jr.,	W. W. Johnson,	W. R. Stewart,
James R. Dean,	R. M. Kincheloe,	J. R. Summers,
J. E. Durham,	T. S. Kirk,	Samuel O. Tate,
McD. Ferguson,	Henry Kremer,	Lewis E. Thomas,
John Finn,	Louis Y. Leavell,	J. R. Thomas,
Wm. Garrison,	C. W. Mathers,	N. S. Walton,
J. C. Glenn,	W. H. May,	B. F. Willett—45.

Amendments Nos. 2 and 3 were severally disagreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time at length, and placed upon its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were--

Lewis Alexander, Sr.,	J. P. Gay,	R. E. Roberts,
W. S. Bailey,	J. C. Glenn,	John Ryan,
John T. Bashaw,	B. B. Hensley,	D. H. Severs,
A. J. Carroll,	Henry Kremer,	C. C. Spalding,
L. J. Cox,	W. H. May,	Lewis E. Thomas,
McD. Ferguson,	J. P. O'Meara,	D. W. Tribble,
J. M. Frazee,	Thos. S. Pettit,	John D. Woods—22.
Ben. F. Gardner,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	John Finn,	Hiram McElroy,
W. W. Ayres,	S. M. Gough,	W. F. Neat,
Posey D. Ball,	Geo. T. Halbert,	Eli Nicholls,
John Bartman,	Thos. H. Hanks,	W. F. Peak,
R. F. Bass,	U. G. Harlow,	J. F. Porter,
W. P. Beard,	R. K. Hart,	A. T. Pullen,
B. F. Bennett,	H. K. Hay,	C. D. Reed,
B. T. Birkhead,	P. R. Hays,	S. H. Shouse,
Polk Cansler,	W. J. Hissem,	Fenton Sims,
B. E. Caudill,	F. W. Hutcheson,	W. R. Stewart,
F. P. Combest,	Daniel James,	J. R. Summers,
R. F. Comer,	W. W. Johnson,	Samuel O. Tate,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	John M. Tinsley,
James R. Dean,	C. W. Mathers,	N. S. Walton,
J. E. Durham,	John S. May,	B. F. Willett—48.

And so said bill was rejected.

Mr. Beard entered a motion to reconsider the vote by which said bill was rejected.

Also H. B. 548. A bill to amend the charter of the town of Parkland.

Said bill reads as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the boundaries of the town of Parkland be, and the same are hereby, changed, so as to exclude from said town the territory bounded on the south by Bismark Avenue, and on the east by the eastern boundary of Parkland, and on the north by the northern boundary of Parkland, and on the west by the Ohio river. And the whole of said territory herein described is excluded from the corporate limits of said town of Parkland.

§ 2. The said town of Parkland being about to exercise unlawful rights claimed under the former charter, and over the residents of the part of Parkland herein described, the emergency arises requiring that this act take effect immediately upon its passage.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

§ 4. This act shall take effect and be in force after its passage.

Mr. Gardner offered the following as a substitute for said bill :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That section 1 of an act, entitled "An act to amend the charter of the town of Parkland, Jefferson county," approved April 5th, 1888, be, and the same is hereby, repealed, so that the boundary of said town of Parkland shall be and remain as it was before the passage of section one of said act, to wit: Commencing at a point on Broadway extended, which is two hundred feet east of the center line of Thirtieth street; thence at right-angles south, to a point or intersection with the former limits of the town of Parkland, two hundred feet north of Garland Avenue; thence west on a line with the former northern limits of Parkland to the Ohio river; the western boundary shall be the Ohio river, the southern boundary, Gibson's Lane and the Cane Run Turnpike, and the eastern limits shall be a line running north and south parallel with the western limits of the city of Louisville, south of Broadway, and being two hundred feet east of the center line of Thirtieth street; excepting the grounds and improvements known as Coney Island or Riverside Park.

§ 2. Whereas, the owners of the property affected are now required to pay excessive municipal taxes without any compensatory benefits therefor, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the Governor.

Mr. Ball made the point of order on said bill and substitute, that they were in contravention of section 166 of the Constitution.

The Speaker sustained the point of order.

And so said bill was rejected.

And then the House adjourned.

THURSDAY, JUNE 1, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	John Finn,	W. F. Neat,
Lewis Alexander, Sr.,	J. M. Frazee,	Eli Nicholls,
W. W. Ayres,	Wm. Garrison,	J. P. O'Meara,
W. S. Bailey,	J. C. Glenn,	W. F. Peak,
John T. Bashaw,	S. M. Gough,	Granville Philpot,
R. F. Bass,	Geo. T. Halbert,	J. F. Porter,
W. P. Beard,	Thos. H. Hanks,	A. T. Pullen,
B. F. Bennett,	H. K. Hay,	C. D. Reed,
B. T. Birkhead,	P. R. Hays,	John Ryan,
John Botts,	B. B. Hensley,	D. H. Severs,
Polk Cansler,	W. J. Hissem,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	C. C. Spalding,
F. P. Combest,	W. W. Johnson,	W. W. Stephenson,
R. F. Comer,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	William Krieger,	Samuel O. Tate,
James R. Dean,	Lewis Y. Leavell,	Lewis E. Thomas,
E. M. Dickson,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	John S. May,	John M. Tinsley,
D. B. Edmiston,	Hiram McElroy,	N. S. Walton—61.
McD. Ferguson,		

The following members were absent, viz :

T. J. Arnett,	A. L. Harned,	Thos. S. Pettit,
Posey D. Ball,	R. K. Hart,	E. M. Pryse,
John Bartman,	Berry Howard,	I. M. Quigley,
P. S. Bruner,	Daniel James,	R. E. Roberts,
A. J. Carroll,	J. S. Joplin,	Waller Sharp,
A. H. Charlton,	Henry Kremer,	Fenton Sims,
L. J. Cox,	Jno. M. Letterle,	D. W. Tribble,
W. J. Cox,	H. P. Lively,	J. H. Welch,
Wesley Crow,	W. H. May,	H. P. Whitaker,
George Will. Follis,	M. D. McInerney,	B. F. Willett,
Ben. F. Gardner,	Harvey Myers,	Geo. E. Willett,
J. P. Gay,	John Lee Payne,	R. B. Wilson,
U. G. Harlow,	J. A. Perkins,	John D. Woods—39.

The Journal of yesterday's proceedings was approved.

A message was received from the Senate, announcing that they had disagreed to a bill, which originated in the House, entitled

H. B. 527. A bill to prohibit persons from leading or conveying bears along the public highways of this Commonwealth unless caged.

That they had adopted the report of the Committee of Conference in relation to

H. B. 289. An act to provide how the printing, binding and stationery used by the State shall be furnished,

And had passed said bill as amended thereby.

That they had passed a bill, entitled

H. B. 388. An act relating to roads and passways,

With sundry amendments thereto.

Ordered, That said bill and amendments be referred to the Committee on Internal Improvements.

That they had passed S. B. 249, entitled

An act prohibiting companies, associations and corporations of other States or countries from possessing, controlling, maintaining or operating any railway, or part thereof, in this State, until they have become corporations, citizens and residents of this State.

Ordered, That said bill be referred to the Committee on Judiciary.

Mr. Frazee offered the following resolution, viz :

H. Resolution 108. Resolution providing for a *sine die* adjournment of this General Assembly on June 22, 1893.

Ordered, That said resolution lie over one day.

Mr. Bass introduced a bill, entitled

H. B. 558. A bill to amend section 15 of chapter 7 of an act relating to revenue and taxation,

Which was referred to the Committee on Revenue and Taxation.

Mr. Bass, from the Committee on Internal Improvements, reported H. B. 555, entitled

A bill empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be con-

ductive to the public health, convenience or welfare of its inhabitants.

Said bill was read the first time at length, ordered to be printed, and read the second time on another day.

Mr. Dickson, from the Committee on Judiciary, to which same had been recommitted, reported

S. B. 236. An act to regulate and control turnpike and gravel and plank roads.

Said bill reads as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That any company incorporated, or which may hereafter be incorporated, for the purpose of making a turnpike, gravel, graded, or plank road, may acquire the title to one acre of land adjacent to each mile of the road, in one or more parcels, for the purpose of obtaining materials for the making or repairing of the road ; and also, in addition, not exceeding two acres of land for the purpose of erecting thereon a toll-house for the use of a gate-keeper, and for the use of himself and family.

First. The necessary rock, gravel, wood or other material, or the use of any rock or quarry for making or repairing the road, may be obtained by purchase ; or as an equivalent therefor, in whole or in part. the use of the road free of toll may be granted to the owner of the materials at one or more gates, in perpetuity or for a term of years.

Second. When the land or material can not be obtained by private agreement the company may have the same condemned as provided for the condemnation of land for railroads.

Third. The company may retain any such land heretofore obtained, whether there was any law authorizing its acquisition or not, and may sell any such land heretofore or hereafter acquired to the owner of the adjoining land, but none other ; nor shall any building be erected thereon, or otherwise used as a residence, for any person except for the use of a gate-keeper. If any part or parcel of such land is built on, and otherwise so used, such parcel shall revert to and become the property of the person from whom it was purchased, or his heirs. But if any such land be sold, as herein allowed, the company may purchase as much more elsewhere within the mile.

Fourth. If the company ceases to keep up the road, any land procured as herein authorized shall revert to the person from whom it was obtained, or his heirs, saving the rights of creditors.

§ 2 The following rules shall be observed by all vehicles running on any turnpike, gravel or plank road :

First. Vehicles meeting shall give to each other one-half of the road, each bearing to its right ; when a fast vehicle over-

takes one of slower movement, the latter shall bear to the right so as to permit the other to pass on its left side. But on plank roads not affording room for the passage of both on the planks, no loaded wagon or cart shall be required to get off the planks to afford a passage to any other vehicle other than another loaded wagon or cart.

Second. If any driver fail or refuse promptly to comply with either of these rules, he or his employer shall be fined for each offense not less than two nor more than five dollars.

Third. No bells of any kind shall be carried on the animal or animals drawing any vehicle. For any violation of this rule the driver or his employer shall be fined from two to five dollars for every day during any part of which the offense is committed.

Fourth. Whoever shall obstruct any portion of a turnpike, gravel or plank road by depositing thereon any stone, wood, material, filth or trash, or by feeding any stock on either the stone or plank or dirt part of the road, shall, for every such offense, be fined from two to five dollars.

Fifth. No vehicle shall be unnecessarily left standing, by night or day, on the stone, gravel or plank part of the road; nor shall the animals attached thereto be fed on such part of the road. Every driver or his employer violating this rule shall be fined, for each offense, from two to five dollars.

Sixth. Any unlawful obstruction to a road may be removed by the agent or superintendent thereof, at the cost of the person making the obstruction, which may be recovered in the name of the company.

§ 3. The following shall be the rates of toll on all turnpikes and gravel roads :

First. These rates are for gates standing five miles apart, and in that proportion for a less distance; but when there is a fraction of a road, of a mile or more, less than five miles, toll may be charged at the gate next thereto for the fraction in the proportion that its length bears to five miles.

Second. All tolls are to be paid at the several gates at the time they are passed, or in advance, unless, by agreement with the managers of the road, a special permit is obtained to pass for a month or other longer term, not exceeding a year. If not so paid, the gate-keeper may stop any person and prevent him or his property from passing till payment is made.

GENERAL TRAVELING.

First. For every horse or mule and rider, five cents.

For a horse, mule or jack, led or driven, three cents.

For each head of cattle, two cents.

For each head of hogs, one-half cent.

For each head of sheep, one-quarter cent.

For each vehicle drawn by one horse or mule, ten cents.

For each vehicle drawn by two horses, mules or oxen, twenty cents.

For each pleasure carriage or hackney coach, drawn by two horses or mules, twenty-five cents.

For same when drawn by four horses or mules, thirty cents.

For each sleigh drawn by one or two horses or mules, fifteen cents.

For each wagon drawn by three horses, mules or oxen, thirty cents.

For same drawn by four animals, fifty cents.

For same drawn by five animals, sixty cents.

For same drawn by six animals, seventy-five cents.

But empty wagons, or such as have no other loading than provender for the team, shall pay only half these rates.

For each stage coach having seats within for six passengers, thirty-five cents.

For same for nine passengers, fifty five cents.

For same for twelve passengers, seventy-five cents, and two cents in addition for every passenger over four.

For each traction or other engine, one dollar.

BROAD-TREAD OR TIRE.

For each wagon with four animals, of four-inch tread or over, thirty-five cents.

For same with five animals, fifty cents.

For same with six animals, sixty cents.

NEIGHBORHOOD TRAVEL OR HAULING WITH COMMON TIRE OR TREAD.

For each wagon or cart drawn by two animals, and loaded with nothing but the produce of the farm, for a trip, going and returning, thirty-five cents.

For same drawn by three animals, forty-five cents.

For same drawn by four animals, fifty-five cents.

For same drawn by five animals, seventy-five cents.

For same drawn by six animals, one dollar.

NEIGHBORHOOD HAULING, WITH BROAD-TREAD.

For each wagon, loaded as above, drawn by four animals, for every trip, fifty cents.

For same drawn by five animals, sixty cents.

For same drawn by six animals, eighty-five cents.

§ 4. The managers of any road in which the State (or county) has an interest, shall permit ministers of the gospel to travel on the road without paying toll when on ministerial duty; and shall charge no toll against scholars going to or from school, or to persons who are going to or from their accustomed place of

worship; but if any other person than scholars going to or returning from school, and the driver shall occupy a vehicle, full toll shall be charged and collected for such vehicle.

§ 5. If the road in any part becomes impassable, the gate-keeper for the five miles within which the defect exists shall, immediately on notice thereof, cease to demand toll until the road is repaired. For failure herein the company shall be fined \$20 a day for every day in which toll is so improperly received or demanded.

§ 6. If the road becomes unfit for public travel, and so remains for four days, the company shall be fined twenty dollars a day for every day it is suffered so to remain, and during which any toll is received or demanded.

§ 7. If the road is suffered to remain so out of repair for thirty days, upon conviction thereof in the circuit court, under an indictment of the grand jury, the charter of the company, with all its franchises, shall be adjudged to be forfeited. The right of way shall be transferred to the county, to be kept up as a common county highway.

§ 8. The toll-gate keeper of any road or chartered bridge may require any person wishing to pass any gate or bridge to truly state, on oath, to be administered by him, the distance traveled or intended to be traveled on the road, and the number contained in any drove of stock, with whatever else may be necessary to ascertain the true amount of toll that should be paid. Any person refusing to give such information, under oath, when required, shall be fined ten dollars.

§ 9. Whoever shall defraud or attempt to defraud the company by going around a toll-gate, or otherwise evade or attempt to evade the payment of tolls, or to lessen the amount of tolls fairly payable by him, shall, for every such offense, be fined ten dollars.

§ 10. Whoever shall willfully break, deface or pull down or remove any mile-post or stone, or any direction post, or the board thereof, or any printed list of the rates of toll affixed at a toll-gate put up on or near any turnpike or plank road, shall be fined from five to ten dollars for every such offense.

§ 11. Whoever shall ride or drive across a bridge of any such road faster than a walk, shall, for every such offense, be fined from one to five dollars.

§ 12. Any person who shall hinder or attempt to prevent the use of any right derived from the condemnation of land shall pay the company double damages and costs; and any person who threatens so to hinder by violence may be brought before a justice and required to give bail in the penalty of \$1,000, with good surety, to keep the peace and be of good behavior for the next six months.

§ 13. No quarry shall be condemned within two hundred yards of any dwelling-house, or so near to any garden, orchard or spring as materially to impair the value of the same.

§ 14. The president and directors of all toll-bridge, turnpike, gravel and plank road companies, in which the State is a stockholder, shall, within the months of July and January in each year, make or declare a dividend of the profits of such road, if any, any pay to the stockholders, when called for, the amount due them, and into the Treasury of the State the amount due to the State, within twenty days thereafter.

§ 15. If the president and directors of any toll-bridge, turnpike, gravel, or plank road company, shall fail or refuse to perform the duties required by this law, they shall be fined in a sum not less than one hundred dollars each, and made jointly and severally liable therefor, recoverable by indictment, for the use of the Commonwealth.

§ 16. The managers or directors of all the turnpike and gravel roads in which the State is a part owner shall, at the time of passing, require the payment of the tolls, as fixed by law, from all persons who travel thereon, unless it shall be previously agreed by the directors of such road that accounts may be kept, to be paid at the end of three months; and in no case shall there be any abatement from the regular charges; and where any such agreement be made, and the party making the same shall fail or refuse to pay the gate-keeper, it shall be his duty to stop any such person, and prevent him or his property from passing till payment is made. But no abatement shall hereafter be made from the tolls fixed by law.

§ 17. It shall be the duty of the managers of such turnpike or gravel roads, if the same shall be encroached upon by fencing, or otherwise obstructed, to cause the same to be forthwith removed; and it is hereby made their duty to keep the same open the entire width as required by their respective charters, except where the same passes over an embankment or through a cut; in such cases encroachments may be permitted and remain at the discretion of the board; but the consent of such board shall be first obtained, and an agreement executed by the party covenanting to remove the same whenever required to do so, which covenant shall be entered of record on the books of such company, and a copy of which, should the original be lost, be received as testimony on any trial.

§ 18. Where any turnpike or gravel road shall be obstructed by fences or otherwise, by any person or persons, and who shall not remove the same when notified to do so by order of the board, it shall be the duty of such directors to cause the same to be removed without delay, as now directed by law, or may proceed by suit in the circuit court in the name of the company to recover the ground; or they may proceed by indictment in the name of the Commonwealth for such obstruction, and shall be governed by the laws in regard to the obstruction of public roads.

§ 19. If any toll-gate-keeper, on any turnpike or gravel road in this Commonwealth, shall charge a greater rate of toll than that

fixed and prescribed by this law, he shall be fined ten dollars for each offense; and if the corporate authorities or owners of any such road authorize a greater charge, they shall be fined fifty dollars for every excessive charge made by their authority.

§ 20. In all annual elections of directors in any turnpike road company in which company the State of Kentucky owns stock, the State Inspector and Examiner shall vote said State stock for such persons to be directors of said roads, as he may be directed by the Board of Sinking Fund Commissioners.

§ 21. All acts in conflict with this act are hereby repealed.

Said committee offered the following amendments to said bill:

No. 1. Amend by adding to section 7 the following:

When any turnpike company abandons its road, and ceases to charge toll thereon, it shall be the duty of the fiscal court of the county in which any such road lies to take charge and control of same, and keep it in a safe and proper condition for public travel, and alter or discontinue same as other public roads. The failure on the part of any turnpike company for the period of four months to keep its road in a condition safe for public travel, and their failure to charge tolls thereon for such length of time, shall be deemed and held to be an abandonment within the meaning of this section.

No. 2. Amend Senate bill No. 236, by striking out section 21, and inserting in lieu thereof the following as sections 21, 22 and 23:

§ 21. The fiscal courts of each county in this Commonwealth may take stock for the county in companies organized and created to construct, operate and maintain turnpike, plank and gravel roads in such counties; but said fiscal courts shall in no case subscribe to any company exceeding the sum of twelve hundred and fifty dollars per mile.

§ 22. In order to satisfy and pay such subscriptions when made, the fiscal courts are authorized and empowered to levy, assess and collect a tax upon all the taxable real and personal property in the county, of every kind and description, sufficient to pay the subscriptions made by the fiscal courts in any county for turnpike, plank and gravel purposes; and all subscriptions by the fiscal court of any county for stock in any turnpike, plank or gravel road, in any year, shall be paid by the levy, assessment and collection of a tax sufficient to liquidate and pay the same within the year subscribed. All subscriptions for stock in any of such companies shall be entered of record, and the sheriff of such county, when the subscription and assessment has been made, shall collect the tax and pay the same to the company entitled to receive it.

§ 23. All laws and all parts of laws in conflict herewith are hereby repealed.

Amendment No. 1 was agreed to.

Mr. O'Meara offered an amendment to amendment No. 2, as follows:

Amend by adding the following to section 21 of the amendment: "Any county in this State having in its possession a surplus, not otherwise appropriated, may, by a vote of a majority of the members of the fiscal court, appropriate any portion of said surplus, either for the purpose of taking stock in any turnpike or gravel road company or companies, or for the purpose of independently constructing gravel roads or turnpikes."

Said amendment was agreed to.

Mr. Botts offered an amendment to said committee's amendment No. 2, as follows:

Add to section 21 these words: "But no appropriation shall be made by the fiscal court unless a sufficient amount is guaranteed said company by subscription to complete the road and build toll-house."

Said amendment was agreed to.

Mr. Walton offered an amendment to said amendment No. 2, as follows:

Amend section 21 by adding the following: "*Provided*, That any persons having stock in any turnpike, gravel or plank road, which has heretofore been built by private subscription, shall be exempted from tax to the amount of one-half of the face value of their stock."

Said amendment was disagreed to.

Said committee amendment No. 2, as amended, was agreed to.

Mr. Combest offered an amendment to said bill, as follows:

Insert the words "or county" after the word "State," in lines 2, 6 and 7 of section 14, and line 2 of section 16.

Said amendment was agreed to.

Mr. Garrison offered an amendment as follows, viz:

Amend section 3, line 54, by adding these words: "That where less than the above rates are charged, the reduction shall be made equal upon all rates."

Said amendment was agreed to.

Mr. Beard offered the following amendment, viz:

All turnpike or gravel roads in which the Commonwealth of Kentucky has an interest, and have been charging toll on bridges thereon for forty years or more, shall hereafter only

charge one-half of the rates heretofore charged on said bridges.

Said amendment was agreed to.

Mr. Birkhead offered the following amendments to section 3, viz :

In line 19 strike out "ten" and insert "eight." In line 20 strike out "twenty" and insert "fifteen." In line 27 strike out "thirty" and insert "twenty-five." In line 29 strike out "fifty" and insert "forty."

Said amendments were severally disagreed to.

Mr. Bashaw offered the following as a substitute for section 4, viz :

The managers of any road upon which toll is charged, in which the State or county has an interest, shall permit ministers of the gospel to travel on any such road without paying toll, when on ministerial duty, and shall charge no toll against scholars going to or from school, and to persons who are going to or from their accustomed places of worship.

Which was disagreed to.

Mr. Birkhead offered an amendment as follows :

Amend section 5 by striking out the word "impassable," in line 1, and by inserting in lieu thereof the words : "Out of repair, so as to interfere with ordinary hauling or traveling."

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. J. R. Thomas and Pettit, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
John T. Bashaw,	S. M. Gough,	Thos. S. Pettit,
B. F. Bennett,	Geo. T. Halbert,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
Polk Cansler,	P. R. Hays,	C. D. Reed,
L. J. Cox,	F. W. Hutcheson,	John Ryan,
J. S. Cullen,	W. W. Johnson,	W. R. Stewart,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
J. E. Durham,	William Krieger,	Samuel O. Tate,
John Finn,	John S. May,	Lewis E. Thomas,
Wm. Garrison,	Hiram McElroy,	J. R. Thomas,
Ben F. Gardner,	W. F. Neat,	D. W. Tribble—36.

Those who voted in the negative, were—

Mr. (Speaker Moore),	D. B. Edmiston,	Lewis Y. Leavell,
Lewis Alexander, Sr.,	J. M. Frazee,	C. W. Mathers,
W. S. Bailey,	J. P. Gay,	I. M. Quigley,
Posey D. Ball,	Thos. H. Hanks,	R. E. Roberts,
R. F. Bass,	R. K. Hart,	S. H. Shouse,
W. P. Beard,	H. K. Hay,	Fenton Sims,
John Botts,	B. B. Hensley,	C. C. Spalding,
A. J. Carroll,	W. J. Hissem,	John M. Tinsley,
B. E. Caudill,	Daniel James,	N. S. Walton,
F. P. Combest,	T. S. Kirk,	J. H. Welch—31.
E. M. Dickson,		

Mr. Gough moved that the vote by which said amendment was agreed to be reconsidered.

Said motion was agreed to.

Said amendment was then disagreed to.

The yeas and nays being required thereon by Messrs. Birkhead and Spalding, were as follows, viz :

Those who voted in the affirmative, were—

John T. Bashaw,	F. W. Hutcheson,	John Ryan,
B. F. Bennett,	R. M. Kincheloe	W. R. Stewart,
B. T. Birkhead,	Hiram McElroy,	Samuel O. Tate,
J. S. Cullen,	Thos. S. Pettit,	Lewis E. Thomas,
J. E. Durham,	J. F. Porter,	J. R. Thomas—16.
John Finn,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. M. Frazee,	Lewis Y. Leavell,
Lewis Alexander, Sr.,	Ben. F. Gardner,	W. F. Peak,
W. S. Bailey,	J. P. Gay,	I. M. Quigley,
John Bartman,	S. M. Gough,	C. D. Reed,
W. P. Beard,	Geo. T. Halbert,	R. E. Roberts,
John Botts,	Thos. H. Hanks,	S. H. Shouse,
A. J. Carroll,	R. K. Hart,	Fenton Sims,
B. E. Caudill,	H. K. Hay,	C. C. Spalding,
F. P. Combest,	B. B. Hensley,	W. W. Stephenson,
L. J. Cox,	W. J. Hissem,	John M. Tinsley,
James R. Dean,	Daniel James,	J. H. Welch,
E. M. Dickson,	T. S. Kirk,	B. F. Willett—37.
D. B. Edmiston,		

Mr. Gardner offered the following amendment as an additional section to said bill, viz :

[Copy of Amendment not furnished Public Printer.]

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Gardner and Ryan, were as follows, viz :

Those who voted in the affirmative, were—

W. S. Bailey,	Ben. F. Gardner,	Thos. S. Pettit,
A. J. Carroll,	U. G. Harlow,	John Ryan,
John Finn,	Daniel James,	D. W. Tribble—9.

Those who voted in the negative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	J. F. Porter,
W. W. Ayres,	J. P. Gay,	A. T. Pullen,
John T. Bashaw,	J. C. Glenn,	I. M. Quigley,
R. F. Bass,	S. M. Gough,	C. D. Reed,
W. P. Beard,	Thos. H. Hanks,	R. E. Roberts,
B. F. Bennett,	R. K. Hart,	S. H. Shouse,
John Botts,	H. K. Hay,	Fenton Sims,
Polk Cansler,	B. B. Hensley,	C. C. Spalding,
B. E. Caudill,	W. J. Hissem,	W. R. Stewart,
F. P. Combest,	F. W. Hutcheson,	J. R. Summers,
J. S. Cullen,	W. W. Johnson,	Samuel O. Tate,
James R. Dean,	R. M. Kincheloe,	J. R. Thomas,
E. M. Dickson,	T. S. Kirk,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	Eli Nicholls,	J. H. Welch,
J. M. Frazee,	W. F. Peak,	B. F. Willett—48.

Mr. Garrison offered an amendment as follows :

Amend section 5 by striking out "twenty dollars, in line 4, and by inserting "fifty dollars."

Said amendment was agreed to.

Mr. Walton offered an amendment as follows :

Amend section 4 by inserting in line 4, between the words "school" and "or," the words "or voters going to or returning from regular elections."

Said amendment was disagreed to.

Pending the consideration of said bill,

Mr. Beard moved that when the House adjourns at 1 o'clock, it be to meet at 3 o'clock this afternoon.

Said motion was agreed to.

The further consideration of said bill was resumed.

Mr. Birkhead offered an amendment as follows :

Amend section 6, line 2, as follows : Strike out the words "for four days."

Said amendment was disagreed to.

Ordered, That said bill be read the third time.

Said bill was read the third time by its title,

The constitutional provision as to the reading of said bill the third time at length being dispensed with.

Said bill was passed, as amended.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	C. W. Mathers,
Lewis Alexander, Sr.,	J. M. Frazee,	Hiram McElroy,
W. W. Ayres,	Wm. Garrison,	W. F. Neat,
W. S. Bailey,	Ben. F. Gardner,	Eli Nicholls,
R. F. Bass,	J. P. Gay,	W. F. Peak,
W. P. Beard,	J. C. Glenn,	J. F. Porter,
John Botts,	S. M. Gough,	A. T. Pullen,
Polk Cansler,	Geo. T. Halbert,	I. M. Quigley,
A. J. Carroll,	Thos. H. Hanks,	R. E. Roberts,
B. E. Caudill,	U. G. Harlow,	John Ryan,
F. P. Combest,	R. K. Hart,	S. H. Shouse,
R. F. Comer,	H. K. Hay,	Fenton Sims,
L. J. Cox,	P. R. Hays,	C. C. Spalding,
J. S. Cullen,	B. B. Hensley,	W. W. Stephenson,
J. M. Dawson, Jr.,	W. J. Hissem,	W. R. Stewart,
James R. Dean,	F. W. Hutcheson,	J. R. Thomas,
E. M. Dickson,	Daniel James,	John M. Tinsley,
J. E. Durham,	T. S. Kirk,	J. H. Welch,
D. B. Edmiston,	Lewis Y. Leavell,	B. F. Willett—57.

In the negative—Thos. S. Pettit—1.

Resolved, That the title thereof be as aforesaid.

And then the House adjourned until 3 o'clock this afternoon.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Speaker Moore in the chair.

Mr. Edmiston, from the Committee on Enrollments, reported

that they had examined enrolled bills, which originated in the Senate, of the following titles, viz :

S. B. 200. An act to repeal an act prohibiting the sale of spirituous, vinous or malt liquors in the voting precincts of Million and Poosey, in county of Madison;

S. B. 201. An act to prevent and punish unlawful interference with transportation of freight and passengers and the conduct of traffic in this Commonwealth ;

S. B. 208. An act relating to executions ;

S. B. 230. An act for the government of cities of the first class ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time said Enrolling Clerk reported that he had performed that duty.

And then the House adjourned.

FRIDAY, JUNE 2, 1893.

The House was opened with prayer by Rev. W. C. Taylor, of the Baptist Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore), J. M. Frazee,
Lewis Alexander, Sr., Wm. Garrison,
W. W. Ayres, J. C. Glenn,

W. F. Neat,
Eli Nicholls,
W. F. Peak,

W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
R. F. Bass,	Geo. T. Halbert,	J. F. Porter,
W. P. Beard,	Thos. H. Hanks,	A. T. Pullen,
B. F. Bennett,	U. G. Harlow,	C. D. Reed,
John Botts,	H. K. Hay,	John Ryan,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
B. E. Caudill,	B. B. Hensley,	C. C. Spalding,
F. P. Combest,	W. J. Hissem,	W. W. Stephenson,
R. F. Comer,	F. W. Hutcheson,	W. R. Stewart,
L. J. Cox,	Daniel James,	J. R. Summers,
J. S. Cullen,	W. W. Johnson,	Lewis E. Thomas,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Thomas,
James R. Dean,	T. S. Kirk,	John M. Tinsley,
E. M. Dickson,	Lewis Y. Leavell,	D. W. Tribble,
J. E. Durham,	C. W. Mathers,	N. S. Walton,
D. B. Edmiston,	W. H. May,	B. F. Willett—59.
John Finn,	Hiram McElroy,	

The following members were absent, viz :

T. J. Arnett,	A. L. Harned,	Granville Philpot,
Posey D. Ball,	R. K. Hart,	E. M. Pryse,
John Bartman,	Berry Howard,	I. M. Quigley,
John T. Bashaw,	J. S. Joplin,	R. E. Roberts,
B. T. Birkhead,	Henry Kremer,	D. H. Severs,
P. S. Bruner,	William Krieger,	Waller Sharp,
A. J. Carroll,	John M. Letterle,	Fenton Sims,
A. H. Charlton,	H. P. Lively,	Samuel O. Tate,
Will J. Cox,	John S. May,	J. H. Welch,
Wesley Crow,	M. D. McInerney,	H. P. Whitaker,
McD. Ferguson,	Harvey Myers,	Geo. E. Willett,
George Will. Follis,	J. P. O'Meara,	R. B. Wilson,
Ben. F. Gardner,	John Lee Payne,	John D. Woods—41.
J. P. Gay,	J. A. Perkins,	

The Journal of yesterday was approved.

The following bills were introduced and referred, viz.:

By Mr. Pettit—

H. B. 559. A bill to empower the Enrolling Committee of the General Assembly to employ assistance in case of necessity, and providing pay for such service; referred to the Committee on Enrollments.

By Mr. W. H. May—

H. B. 560. A bill providing for the incorporation of the purchasers of railroads; referred to the Committee on Railroads.

Mr. Sims, from the Committee on Rules, reported H. Resolution 103, entitled

Resolution to provide for collating, compiling, classifying, arranging, indexing and editing the general statutory laws of this Commonwealth,

With a substitute proposed therefor by the committee.

Said resolution was read the first time, ordered to be printed, and read the second time on some other day.

Messrs. Hanks and Pettit proposed substitutes for said resolution, which were ordered printed.

Mr. Sims, from the Committee on Judiciary, reported H. B. 536, entitled

A bill to prevent trusts, pools, combinations or other organizations from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value, and fixing a penalty for violations thereof.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

The committees, to whom the same had been referred, reported the following bills, viz:

By Mr. Sims, from the Committee on Judiciary—

H. B. 529. An act to prevent the formation of pools, trusts, combinations or other organizations for the purpose of depreciating or enhancing costs of any article below or above its real value.

Mr. Pettit, from the Committee on Corporate Institutions, reported H. B. 526, entitled

A bill to amend section 229 of an act, entitled "An act for the creation and regulation of private corporations,"

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

Mr. Frazee, from the Committee on Revenue and Taxation, reported H. B. 558, entitled

A bill to amend section 15 of chapter 7 of an act relating to revenue and taxation,

Without an expression of opinion.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Pettit, from the Committee on Corporate Institutions, reported H. B. 540, entitled

A bill to amend an act, entitled "An act providing for the creation and regulation of private corporations,"

With the expression of opinion that it should not pass.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Said bill was ordered to be printed, and read the second time on some other day.

Mr. Pettit, from the Committee on Corporate Institutions, reported H. B. 553, entitled

An act to amend an act, entitled "An act providing for the creation and regulation of private corporations,"

Without an expression of opinion.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Frazee, from the Committee on Revenue and Taxation, reported H. B. 474, entitled

A bill imposing a tax on the estates of inheritance, distributive shares and legacies,

Without an expression of opinion.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Frazee, from the Committee on Revenue and Taxation, reported the following bills, viz :

H. B. 498. An act imposing a collateral inheritance tax.

H. B. 516. A bill requiring tax on income, and providing penalty for failure to pay same.

Said bills were severally read the first time, ordered to be printed, and read the second time on some other day.

A message was received from the Senate, announcing that they had disagreed to an amendment proposed by the House to S. B. 224, entitled

An act dividing the State into thirty-eight Senatorial Districts.

That they had passed S. B. 248, entitled

An act to amend an act, entitled "An act to divide the State into one hundred Representative Districts."

Ordered, That said last-named bill be referred to the Committee on Legislative Districts.

Mr. Hart called from the Clerk's desk the first-named bill.

Mr. Hart moved that the House refuse to recede from its amendment to said bill.

Said motion was adopted.

Mr. Hart moved that a Committee of Conference be appointed, to act with a like committee from the Senate, to take into consideration the differences between the two Houses on said bill.

Said motion was adopted.

Whereupon the Speaker appointed Messrs. J. R. Thomas, Severs and Hart as said committee.

Mr. Hay, from the Conference Committee on S. B. 42, submitted the following report in writing, viz :

To the House of Representatives :

The Committee of Conference on Senate Bill No. 42, entitled "An act for the more efficient government of common schools in this State," have met, and after full and free conference with Senate Conference Committee, report : All differences dividing the two Houses were agreed to, except three : First, the \$1,000 appropriated to Superintendent of Public Instruction's discretions to employ clerical assistance ; second, county taxation. These were conditionally agreed upon if a general agreement could be had. Third, the substantial difference being upon the school book sections, the House Committee contended for the House amendment to said sections. Failing to agree upon this amendment, the House Committee proposed to accept the Senate substitute for the House amendment. The Senate Committee refused to thus accept the Senate substitute.

We, therefore, failed to agree, and ask to be discharged from further consideration of the subject.

Respectfully submitted,

H. K. HAY, *Chairman*,

N. S. WALTON,

JOHN M. TINSLEY.

Said report was received and committee discharged.

A message was received from the Senate, asking the appointment of another Committee of Conference on said named bill.

Whereupon the Speaker appointed Messrs. Quigley, Pettit and Glenn as said committee.

The House took up for consideration the special order for this day, viz:

S. B. 188. An act relating to and providing for a Court of Appeals.

Said bill was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That on and after January 1, 1895, the Court of Appeals shall consist of seven judges, to be elected from districts, and the State is divided into seven districts for said purpose, as follows:

§ 2. The First District: Ballard, Carlisle, Hickman, Fulton, Graves, McCracken, Calloway, Marshall, Livingston, Lyon, Trigg, Caldwell, Crittenden, Union, Webster, Hopkins, Henderson and Christian.

§ 3. Second District: Muhlenberg, McLean, Daveiss, Hancock, Breckinridge, Ohio, Grayson, Butler, Edmonson, Warren, Allen, Simpson, Logan, Todd, Monroe, Meade and Cumberland.

§ 4. Third District: Hardin, Bullitt, Nelson, Washington, Marion, Spencer, Larue, Hart, Green, Taylor, Adair, Metcalfe, Barren, Clinton, Wayne, Russell, Casey, Shelby, Oldham, Anderson, Pulaski and Whitley.

§ 5. Fourth District: The county of Jefferson.

§ 6. Fifth District: Henry, Trimble, Carroll, Gallatin, Owen, Scott, Franklin, Bourbon, Fayette, Woodford, Garrard, Boyle, Jessamine, Madison, Mercer, Lincoln, Rockcastle, Clay, Jackson, Laurel, Knox and Owsley.

§ 7. Sixth District: Boone, Campbell, Kenton, Grant, Harrison, Pendleton, Bracken, Robertson, Nicholas, Mason, Fleming, Lewis, Greenup, Carter and Rowan.

§ 8. Seventh District: Clark, Montgomery, Bath, Estill, Powell, Menefee, Bell, Harlan, Leslie, Lee, Breathitt, Perry, Letcher, Knott, Pike, Floyd, Magoffin, Wolfe, Morgan, Elliott, Lawrence, Boyd, Johnson and Martin.

§ 9. The election of Judges of the Court of Appeals in said districts shall be held at the regular election therein, and every eight years thereafter, as follows: In the First, Second, Fourth and Sixth Districts in 1894, and the judge then elected in said First District shall succeed the judge from the present Fourth Appellate District; in the Fifth District, in 1896, to succeed the judge elected from the present Second Appellate Court District; in the Third District, in 1898, to succeed the judge elected from the present Third Appellate District; in the Seventh District,

in 1900, to succeed the judge elected in November, 1892, from the present First Appellate Court District.

§ 10. If any new county or counties be made, such county or counties shall be a part of the district in which the same, or the greater part thereof, shall be situated at the time of its establishment.

The following substitute was proposed by the Committee on Court of Appeals and Superior Court, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That on and after January 1st, 1895, the Court of Appeals shall consist of five judges, to be elected from districts, and the State is hereby divided into five districts for that purpose, as follows:

§ 2. The First District—Ballard, Carlisle, Hickman, Fulton, Graves, McCracken, Calloway, Marshall, Livingston, Lyon, Trigg, Caldwell, Crittenden, Union, Webster, Hopkins, Henderson, Christian, Todd, Muhlenberg, McLean and Daveiss.

§ 3. The Second District—Hancock, Breckinridge, Ohio, Grayson, Butler, Edmonson, Warren, Allen, Simpson, Logan, Monroe, Meade, Cumberland, Hardin, Metcalfe, Larue, Hart, Barren, Green, Adair, Taylor, Marion, Casey, Russell, Clinton and Wayne.

§ 4. The Third District—Jefferson, Bullitt, Nelson, Washington, Mercer, Anderson, Spencer, Shelby, Franklin, Woodford, Boyle, Carroll, Trimble, Oldham and Henry.

§ 5. The Fourth District—Gallatin, Owen, Grant, Scott, Harrison, Fayette, Bourbon, Clark Montgomery, Jesamine, Garrard, Madison, Estill, Lee, Jackson, Rockcastle, Lincoln, Pulaski, Whitley, Knox, Clay, Laurel, Nicholas, Bath, Menefee and Powell.

§ 6. The Fifth District—Boone, Kenton, Campbell, Pendleton, Bracken, Robertson, Mason, Fleming, Lewis, Rowan, Carter, Greenup, Boyd, Wolfe, Morgan, Elliott, Lawrence, Breathitt, Magoffin, Johnson, Martin, Perry, Floyd, Knott, Pike, Leslie, Bell, Harlan and Letcher.

§ 7. The election of judges of the Court of Appeals in said districts shall be held at the regular elections therein as follows: In the first and fifth districts in 1894; in the third district in 1896; in the second district in 1898, and in the fourth district in 1900. The term of said judges shall be eight years, and until their successors shall be elected and qualify.

§ 8. If any new county or counties be made, such county or counties shall be a part of the district in which same or the greater part thereof shall be located at the time of its establishment.

Mr. L. E. Thomas moved to amend said substitute by changing Gallatin county from the fourth district to the third district.

Said amendment was adopted.

Mr. J. R. Thomas moved to amend said substitute by changing Morgan county from the fifth to the fourth district.

Said amendment was adopted.

Said substitute was rejected.

The yeas and nays being required thereon by Messrs. Severs and Ferguson, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. S. Cullen,	W. F. Neat,
W. W. Ayres,	J. M. Dawson, Jr.,	Eli Nicholls,
John T. Bashaw,	J. E. Durham,	W. F. Peak,
B. F. Bennett,	McD. Ferguson,	J. F. Porter,
B. T. Birkhead,	Geo. T. Halbert,	A. T. Pullen,
P. S. Bruner,	U. G. Harlow,	S. H. Shouse,
Polk Cansler,	P. R. Hays,	W. R. Stewart,
B. E. Caudill,	F. W. Hutcheson,	Lewis E. Thomas,
F. P. Combest,	C. W. Mathers,	J. R. Thomas—29.
R. F. Comer,	John S. May,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. C. Glenn,	J. P. O'Meara,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
Posey D. Ball,	Thos. H. Hanks,	I. M. Quigley,
John Bartman,	R. K. Hart,	C. D. Reed,
R. F. Bass,	H. K. Hay,	R. E. Roberts,
W. P. Beard,	B. B. Hensley,	John Ryan,
John Botts,	W. J. Hissem,	D. H. Severs,
A. J. Carroll,	Daniel James,	Fenton Sims,
L. J. Cox,	W. W. Johnson,	C. C. Spalding,
E. M. Dickson,	R. M. Kincheloe,	W. W. Stephenson,
D. B. Edmiston,	T. S. Kirk,	John M. Tinsley,
John Finn,	Lewis Y. Leavell,	D. W. Tribble,
J. M. Frazee,	W. H. May,	J. H. Welch,
Ben. F. Gardner,	Hiram McElroy,	B. F. Willett—44.
J. P. Gay,	M. D. McInerney,	

Mr. Harlow moved to amend the original bill by changing Barren county from the third to the second district.

Said amendment was adopted.

The yeas and nays being required thereon by Messrs. Harlow and Garrison, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker) Moore,	D. B. Edmiston,	John S. May,
Lewis Alexander, Sr.,	John Finn,	M. D. McInerney,

W. W. Ayers,	Wm. Garrison,	J. P. O'Meara,
W. S. Bailey,	S. M. Gough,	W. F. Peak,
John T. Bashaw,	Geo. T. Halbert,	A. T. Pullen,
R. F. Bass,	Thos. H. Hanks,	C. D. Reed,
W. P. Beard,	U. G. Harlow,	S. H. Shouse,
John Botts,	P. R. Hays,	C. C. Spalding,
Polk Cansler,	Daniel James,	Lewis E. Thomas,
F. P. Combest,	W. W. Johnson,	John M. Tinsley—32.
J. M. Dawson, Jr.,	Lewis Y. Leavell,	

Those who voted in the negative, were—

Posey D. Ball,	McD. Ferguson,	Thos. S. Pettit,
John Bartman,	J. M. Frazee,	J. F. Porter,
B. T. Birkhead,	Ben. F. Gardner,	I. M. Quigley,
P. S. Bruner,	J. P. Gay,	R. E. Roberts,
A. J. Carroll,	J. C. Glenn,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	Fenton Sims,
L. J. Cox,	R. M. Kincheloe,	W. W. Stephenson,
J. S. Cullen,	T. S. Kirk,	J. H. Welch—26.
E. M. Dickson,	Hiram McElroy	

Ordered, That said bill be read the third time.

Said bill was read the third time and rejected.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	J. P. O'Meara,
Lewis Alexander, Sr.,	S. M. Gough,	I. M. Quigley,
W. S. Bailey,	U. G. Harlow,	C. D. Reed,
John Bartman,	H. K. Hay,	R. E. Roberts,
R. F. Bass,	B. B. Hensley,	John Ryan,
W. P. Beard,	W. J. Hissem,	S. H. Shouse,
John Botts,	Daniel James,	Fenton Sims,
A. J. Carroll,	Lewis Y. Leavell,	C. C. Spalding,
J. M. Dawson, Jr.,	W. H. May,	W. W. Stephenson,
E. M. Dickson,	Hiram McElroy,	D. W. Tribble,
D. B. Edmiston,	M. D. McInerney,	J. H. Welch—34.
John Finn,		

Those who voted in the negative, were—

W. W. Ayres,	J. P. Gay,	John S. May,
John T. Bashaw,	J. C. Glenn,	W. F. Peak,
B. F. Bennett,	Geo. T. Halbert,	Thos. S. Pettit,
P. S. Bruner,	Thos. H. Hanks,	J. F. Porter,

Polk Cansler,	R. K. Hart,	A. T. Pullen,
B. E. Caudill,	P. R. Hays,	D. H. Severs,
F. P. Combest,	F. W. Hutcheson,	J. R. Summers,
J. S. Cullen,	W. W. Johnson,	Lewis E. Thomas,
James R. Dean,	R. M. Kincheloe,	J. R. Thomas,
J. E. Durham,	T. S. Kirk,	John M. Tinsley—31.
McD. Ferguson,		

So said bill was rejected.

Mr. Hart entered a motion to reconsider the vote by which said bill was rejected.

And then the House adjourned.

SATURDAY, JUNE 3, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. (Speaker Moore),	McD. Ferguson,	Hiram McElroy,
Lewis Alexander, Sr.,	John Finn,	W. F. Neat,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
W. S. Bailey,	Wm. Garrison,	W. F. Peak,
R. F. Bass,	J. C. Glenn,	Thos. S. Pettit,
B. T. Birkhead,	S. M. Gough,	J. F. Porter,
P. S. Bruner,	Geo. T. Halbert,	A. T. Pullen,
Polk Cansler,	Thos. H. Hanks,	C. D. Reed,
B. E. Caudill,	U. G. Harlow,	D. H. Severs,
F. P. Combest,	H. K. Hay,	S. H. Shouse,
R. F. Comer,	P. R. Hays,	W. W. Stephenson,
L. J. Cox,	W. J. Hissem,	W. R. Stewart,
J. S. Cullen,	F. W. Hutcheson,	J. R. Summers,
J. M. Dawson, Jr.,	Daniel James,	Lewis E. Thomas,
James R. Dean,	R. M. Kincheloe,	J. R. Thomas,
E. M. Dickson,	T. S. Kirk,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	B. F. Willett—53.
D. B. Edmiston,	C. W. Mathers,	

The following members were absent, viz :

T. J. Arnett,	B. B. Hensley,	E. M. Pryse,
Posey D. Ball,	Berry Howard,	I. M. Quigley,
John Bartman,	W. W. Johnson,	R. E. Roberts,
John T. Bashaw,	J. S. Joplin,	John Ryan,
W. P. Beard,	Henry Kremer,	Waller Sharp,
B. F. Bennett,	William Krieger,	Fenton Sims,
John Botts,	John M. Letterle,	C. C. Spalding,
A. J. Carroll,	H. P. Lively,	Samuel O. Tate,
A. H. Charlton,	W. H. May,	D. W. Tribble,
W. J. Cox,	John S. May,	N. S. Walton,
Wesley Crow,	M. D. McInerney,	J. H. Welch,
George Will. Follis,	Harvey Myers,	H. P. Whitaker,
Ben. F. Gardner,	J. P. O'Meara,	Geo. E. Willett,
J. P. Gay,	John Lee Payne,	R. B. Wilson,
A. L. Harned,	J. A. Perkins,	John D. Woods—47.
R. K. Hart,	Granville Philpot,	

The Journal of yesterday was approved.

Leave of absence, indefinitely, was granted Mr. Johnson.

The committees, to whom the same had been referred, reported the following bills, viz :

By Mr. Hay, from the Committee on Education—

H. B. 557. A bill to enable incorporated colleges and universities located in this Commonwealth to establish adjunct schools and colleges.

By Mr. Edmiston, from the Committee on Enrollments—

H. B. 559. A bill to empower the Enrolling Committee of the General Assembly to employ assistance in case of necessity, and providing pay for such services.

Said bills were severally read the first time, ordered to be printed, and read the second time on another day.

The House took from the orders of the day H. Resolution 107, entitled

Resolution to direct county clerks to send to State Board of Equalization tax-books and other papers necessary in the performance of their duties.

Mr. Hay moved to amend said resolution by adding to section 1 the following, viz :

The Auditor shall return to the county clerks any such tax-

books as soon as the board has obtained the desired information, and express charges shall be paid out of the Treasury.

Said amendment was adopted.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and adopted as follows, viz :

WHEREAS, Irregularities and errors are shown to exist in a number of the tax recapitulation sheets returned to the Auditor this year, and that in order to trace the source of these irregularities and errors, it will be necessary to have the tax-books of such counties before the State Board of Equalization ; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky: 1. That it shall hereafter be the duty of the county clerks to forward to the Auditor, at Frankfort, such tax-books or other papers, by express, as the State Board of Equalization may find it necessary in the performance of their duties to request of said county clerks. The Auditor shall return to the county clerks any such tax books as soon as the Board has obtained the desired information, and express charges shall be paid out of the Treasury.

2. The State Board of Equalization being in session, and immediate action being necessary for this work, this resolution shall take effect from the date of its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	Hiram McElroy,
Lewis Alexander, Sr.,	J. M. Frazee,	W. F. Neat,
W. W. Ayres,	Wm. Garrison,	Eli Nicholls,
W. S. Bailey,	J. P. Gay,	W. F. Peak,
R. F. Bass,	J. C. Glenn,	Thos. S. Pettit,
B. T. Birkhead,	S. M. Gough,	J. F. Porter,
P. S. Bruner,	Geo. T. Halbert,	A. T. Pullen,
Polk Cansler,	Thos. H. Hanks,	C. D. Reed,
A. J. Carroll,	R. K. Hart,	D. H. Severs,
B. E. Caudill,	H. K. Hay,	S. H. Shouse,
F. P. Combest,	P. R. Hays,	Fenton Sims,
L. J. Cox,	W. J. Hissem,	W. W. Stephenson,
J. S. Cullen,	F. W. Hutcheson,	W. R. Stewart,
J. M. Dawson, Jr.,	Daniel James,	J. R. Summers,
James R. Dean,	R. M. Kincheloe,	Lewis E. Thomas,
E. M. Dickson,	T. S. Kirk,	J. R. Thomas,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley,
D. B. Edmiston,	C. W. Mathers,	J. H. Welch—55.
McD. Ferguson,		

In the negative—none.

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

Mr. Bass, from the Committee on Internal Improvements, reported H. B. 388, entitled

A bill relating to roads and passways,

With the amendments proposed thereto by the Senate.

Said amendments were concurred in, and the bill passed as amended.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	John Finn,	W. F. Neat,
Lewis Alexander, Sr.,	J. M. Frazee,	Eli Nicholls,
W. W. Ayres,	Wm. Garrison,	W. F. Peak,
W. S. Bailey,	J. P. Gay,	Thos. S. Pettit,
R. F. Bass,	J. C. Glenn,	J. F. Porter,
B. T. Birkhead,	S. M. Gough,	A. T. Pullen,
P. S. Bruner,	Thos. H. Hanks,	C. D. Reed,
Polk Canisler,	U. G. Harlow,	D. H. Severs,
A. J. Carroll,	R. K. Hart,	S. H. Shouse,
B. E. Caudill,	H. K. Hay,	W. W. Stephenson,
F. P. Combest,	P. R. Hays,	W. R. Stewart,
R. F. Comer,	W. J. Hissem,	J. R. Summers,
L. J. Cox,	F. W. Hutcheson,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Daniel James,	J. R. Thomas,
James R. Dean,	T. S. Kirk,	John M. Tinsley,
E. M. Dickson,	Lewis Y. Leavell,	D. W. Tribble,
J. E. Durham,	C. W. Mathers,	J. H. Welch,
D. B. Edmiston,	Hiram McElroy,	B. F. Willett—55.
McD. Ferguson,		

Those who voted in the negative, were—

J. S. Cullen, Fenton Sims—2.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 545, entitled
A bill to amend an act, entitled "An act to divide the State into one hundred Representative Districts," approved —, 1893.

Said bill was read the second time.

The House took from the orders of the day H. Resolution 106, entitled

Resolution directing the Public Printer to print and deliver to the Superintendent of Public Instruction 500 copies of the law providing for the management and administration of the A. & M. College.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and adopted, as follows, viz :

WHEREAS, The act to provide for the effective management and administration of the Agricultural and Mechanical College of Kentucky was approved by the Governor on the 9th of May, 1893, and having an emergency clause, is now a law and in full force and effect ; and whereas, said law requires the county superintendents to make known the provisions of this law in each school district of his county ; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky : That the Public Printer is hereby authorized to print five hundred copies of said law, to be furnished to the Superintendent of Public Instruction, to be distributed by him to the county superintendents of the State.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Wm. Garrison,	W. F. Peak,
W. W. Ayres,	J. P. Gay,	Thos. S. Pettit,
W. S. Bailey,	J. C. Glenn,	J. F. Porter,
B. T. Birkhead,	S. M. Gough,	A. T. Pullen,
P. S. Bruner,	Geo. T. Halbert,	C. D. Reed,
Polk Cansler,	Thos. H. Hanks,	D. H. Severs,
A. J. Carroll,	R. K. Hart,	S. H. Shouse,
F. P. Combest,	H. K. Hay,	Fenton Sims,
R. F. Comer,	P. R. Hays,	W. W. Stephenson,
L. J. Cox,	W. J. Hissem,	W. R. Stewart,
J. S. Cullen,	F. W. Hutcheson,	J. R. Summers,
J. M. Dawson, Jr.,	Daniel James,	Lewis E. Thomas,
James R. Dean,	R. M. Kincheloe,	J. R. Thomas,
E. M. Dickson,	T. S. Kirk,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	D. W. Tribble,
D. B. Edmiston,	C. W. Mathers,	J. H. Welch,
McD. Ferguson,	Hiram McElroy,	B. F. Willett—56.
John Finn,	W. F. Neat,	

In the negative—none.

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 502, entitled

A bill to authorize the county courts to maintain abandoned turnpike roads in this Commonwealth.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That whenever any incorporated turnpike company in this Commonwealth shall abandon and refuse to keep up and maintain their turnpike road, or shall forfeit their charter, as provided for by law, the county court of the county wherein said road is situated, consisting of the county judge and justices of the peace, may, in their discretion, take charge of said turnpike road, and maintain and keep up same, with the bridges thereon, in proper repair at the expense of the county; and to aid in the maintenance of the road said county courts (court of claims), may fix and establish toll gates thereon not less than five miles apart, and collect tolls thereon not exceeding the amounts authorized by the charters of said original turnpike companies.

§ 2. This act to take effect ninety days after the end of this session of the Legislature.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	E. M. Dickson,	T. S. Kirk,
Lewis Alexander, Sr.,	J. E. Durham,	Lewis Y. Leavell,
W. W. Ayres,	D. B. Edmiston,	Hiram McElroy,
W. S. Bailey,	McD. Ferguson,	W. F. Neat,
John T. Bashaw,	John Finn,	Eli Nicholls,
R. F. Bass,	J. M. Frazee,	W. F. Peak,
B. T. Birkhead,	Wm. Garrison,	Thos. S. Pettit,
P. S. Bruner,	J. C. Glenn,	J. F. Porter,
Polk Cansler,	S. M. Gough,	A. T. Pullen,
A. J. Carroll,	Geo. T. Halbert,	C. D. Reed,
B. E. Caudill,	Thos. H. Hanks,	D. H. Severs,
F. P. Combest,	U. G. Harlow,	Fenton Sims,
R. F. Comer,	R. K. Hart,	W. R. Stewart,
L. J. Cox,	W. J. Hissem,	J. R. Summers,
J. S. Cullen,	F. W. Hutcheson,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Daniel James,	John M. Tinsley,
James R. Dean,	R. M. Kincheloe,	D. W. Tribble—51.

In the negative—nope.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 546, entitled

A bill authorizing the Commissioners of the Sinking Fund to extend the State sewer leading from the Frankfort Penitentiary along Mero street toward the Kentucky river from its present terminus to the river, and making an appropriation therefor, and declaring an emergency.

Mr. Gough moved to postpone the further consideration of said bill until Tuesday, June 6, 1893, and that the same be made a special order for that day.

Said motion was adopted.

The following bill and resolution were introduced, and referred to the Committee on Printing and Accounts, viz:

By Mr. Pettit—

H. B. 561. A bill authorizing the Public Printer to print one thousand copies of certain city charters.

By Mr. Kirk—

H. Resolution 109. Resolution directing the Public Printer to print one thousand copies of the act in relation to courts of justice.

The House took from the orders of the day H. B. 547, entitled

A bill to provide for lighting the Governor's Mansion with electricity instead of gas.

Mr. Peak moved to postpone the further consideration of said bill until Tuesday, June 6th, and that the same be made a special order for that day.

Said motion was adopted.

The House took from the orders of the day S. B. 165, entitled

A bill in relation to descent and distribution, and entitled "Descent and Distribution."

Mr. Halbert moved to amend said bill as follows, viz:

Amend by striking out section 9, and by inserting in lieu thereof the following:

§ 9. If an infant die without issue, having the title to real estate derived by gift, devise or descent from one of his parents, the one equal moiety thereof shall descend to the other parent,

if living, and his or her kindred, and the other moiety shall descend to the kindred of the parent from whom the same was derived; but in case there be no surviving parent, the whole shall descend to the kindred of the parent from whom the same descended, as hereinbefore directed.

Said amendment was rejected.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. When a person having right or title to any real estate of inheritance shall die intestate as to such estate, it shall descend in parcenary to his kindred, male and female, in the following order, except as otherwise herein provided, viz : First, to his children and their descendants ; if none, then, second, to his father and mother, if both are living, one moiety each ; but if the father be dead, then the mother, if living, shall take the whole estate ; if the mother be dead, then the whole estate shall pass to the father ; if no father nor mother, then, third, to his brothers and sisters and their descendants ; if none, then, fourth, one moiety of the estate shall pass to the paternal and the other to the maternal kindred in the following order : Fifth—first, the grandfather and grandmother equally, if both be living ; but if one be dead, then the entire moiety shall go to the survivor ; if no grandfather or grandmother, then, sixth, to the uncles and aunts and their descendants ; if none, then, seventh, to the great-grandfathers and great-grandmothers in the same manner prescribed for grandfather and grandmother in subsection five ; if none, then, eighth, to the brothers and sisters of the grandfathers and grandmothers and their descendants ; and so on in other cases without end, passing to the nearest lineal ancestors and their descendants as herein prescribed ; ninth, if there is no such kindred to one of the parents, the whole shall go to the kindred of the other. If there is neither paternal nor maternal kindred, the whole shall go to the husband or wife of the intestate ; or, if the husband and wife is dead, to his or her kindred, as if he or she had survived the intestate and died entitled to the estate.

§ 2. When any or all of a class first entitled to inherit are dead, leaving descendants, such descendants shall take *per stirpes*, or by stocks—that is to say, by representation—the share of their respective deceased parents.

§ 3. Collaterals of the half-blood shall inherit only half so much as those of the whole blood or as ascending kindred when they take with either.

§ 4. In making title by descent it shall be no bar to a party that any ancestor through whom he derives his descent from the intestate is or has been an alien

§ 5. Bastards shall be capable of inheriting and transmitting

an inheritance on the part of or to the mother, and bastards of the same mother shall be capable of inheriting and transmitting an inheritance on the part of each other as if such bastards were born in lawful wedlock of the same parents.

§ 6. If a man, having had a child by a woman, shall afterwards marry her, such child, or its descendants, if recognized by him before or after marriage, shall be deemed legitimate.

§ 7. A child born of the widow within ten months after the death of the intestate shall inherit from him in the same manner as if he were in being at the time of such death.

§ 8. When a person dies intestate, and without issue, having real estate of inheritance the gift of either of his parents, such parent, if living, shall inherit the whole of such estate.

§ 9. If an infant dies without issue, having the title to real estate derived by gift, devise or descent from one of his parents, the whole shall descend to the parent and his or her kindred, as hereinbefore directed, if there is any; and if none, then in like manner to the other parent, and his or her kindred; but the kindred of one shall not be so excluded by the kindred of the other parent, if the latter is more remote than the grandfather, grandmother, uncles and aunts of the intestate and their descendants.

§ 10. No parcener shall have any privilege over another in any election, division or matter to be done or made concerning lands which shall have descended to them.

§ 11. Where any person shall die intestate as to his personal estate, or any part thereof, the surplus, after payment of funeral expenses, charges of administration and debts, shall pass and be distributed among the same persons and in the same proportions to whom and in which real estate is directed to descend, except as follows:

First. The personal estate of an infant shall be distributed as if he had died after full age.

Second. An alien may be a distributee as though he were a citizen.

Third. A husband shall have the whole surplus of a deceased wife's personal estate.

Fourth. If the intestate leaves issue, his widow shall have one-third, and if no issue, one-half of such surplus.

Fifth. The following list of articles are exempt from distribution and sale, and shall be set apart to the widow or infant child or children by the appraisers of the estate of an intestate, to wit: Two horses, or one horse and yoke of oxen, and if not on hand, other property or money, not to exceed in value \$100 for each work horse or yoke of oxen; ten head of sheep, if none on hand, other property or money, not to exceed \$1.50 per head; two cows and calves, if none, other property or money not to exceed \$20 for each cow and calf; all the poultry on hand, if none, other property or money not to exceed \$5; all the spun yarn and manufactured cloth, and carpeting manufactured by

the family necessary for its use ; if none, in lieu thereof other property or money not to exceed \$20 ; all of the wearing apparel ; the family Bible and one table , or in lieu of the family Bible and table, \$3 each ; one loom, spinning wheel and cards ; or in lieu thereof either money or property not to exceed \$15 ; two beds, bedding and furniture ; if not on hand, either property or money not to exceed \$40 in value each ; one-half dozen plates ; one-half dozen cups and saucers ; one coffee-pot ; one tea-pot ; one-half dozen knives and forks ; one oven and pot ; if none on hand, other property or money not to exceed \$1 each ; one cooking stove and appendages, and other cooking utensils, not exceeding \$25 in value ; but if not on hand, nothing shall be set apart in lieu thereof ; one-half dozen chairs, or so many as shall not exceed \$8 in value, and if not on hand, other property or money not to exceed \$8 ; one saddle and appendages, together with bridle, and if not on hand, other property or money in lieu thereof not to exceed \$10 ; one plow and gear, or in lieu thereof, if none on hand, other property or money not to exceed \$10 ; one ox, one hoe, if none, other property or money not exceeding \$1 each ; one wagon ; if none, other property or money in lieu thereof not to exceed \$50 ; one sewing machine, if on hand, if not, nothing shall be set apart in lieu thereof ; a sufficiency of provisions, including breadstuffs, to sustain the widow and infant children residing with her one year ; and if there is not a sufficiency of provisions on hand for that purpose, then so much of the live stock suitable for that purpose, and of the growing crop, if any, as may be necessary to supply the deficiency ; and if not on hand, other property or money in lieu thereof, not exceeding \$50 for the support of the widow and each infant child living with her. If there is an infant child or children, and no mother surviving, there shall be set apart for the support of such infant child or children the articles aforesaid ; and if such articles are not on hand, then other articles or money shall be set apart in lieu thereof ; but in no case shall appraisers set apart to either widow or child or children property or money in lieu of the articles allowed by law of greater value in the aggregate than \$750. Widows without infant children shall have the property aforesaid set apart to them, the same as if they had infant children residing in the family, except there shall not be any thing set apart for the support of infant children if there be none residing in the family with the widow. The appraisers shall state in their appraisal the articles and value of each set apart by them to widows or infants separately from the articles appraised for sale. The provisions of this section shall apply to cases where the husband dies testate, and the widow renounces the provisions of the will in the time prescribed by law.

§ 12. When a widow claims her dowable and distributable shares of her husband's estate, she shall be charged with the value of any devise or bequest to her by his will ; or she may,

though under full age, relinquish what is given her by the will, and thereupon receive her dower and distributable shares as if no will had been made; but such relinquishment must be made within twelve months after the probate, and acknowledged before and left for record with the clerk of the court where probate was made, or acknowledged before a subscribing witness, and proved before and left with the clerk; but if within said twelve months an appeal be taken from the judgment of the county court probating the will, the widow shall not be required to make such relinquishment until within twelve months succeeding the time such appeal is disposed of. Nothing herein shall preclude the widow from receiving her dowerable and distributable share in addition to any devise or bequest made to her by the will, if such is the intention of the testator plainly expressed in the will, or necessarily inferable therefrom.

§ 13. Where the wife voluntarily leaves her husband, and lives in adultery, she shall have no part of the personal estate of which he dies intestate, unless her husband, after she so left him, became reconciled to her, and suffered her to live with him.

§ 14. Where the husband separates from the wife, and lives apart from her in adultery, and she dies without a reconciliation and cohabitation, he shall have no part of her personal estate as a distributee.

§ 15. Any real or personal property or money given or devised by a parent or grandparent to a descendant shall be charged to the descendant of those claiming through him in the division and distribution of the undivided estate of the parent or grandparent; and such party shall receive nothing further therefrom until the other descendants are made proportionately equal with him, according to his descendible and distributable share of the whole estate, real and personal, devised and undevise. The advancement shall be estimated according to the value of the property when given. The maintaining or educating or the giving of money to a child or grandchild, without any view to a portion or settlement in life, shall not be deemed an advancement.

§ 16. Advancements made to distributees shall not be taken as a part of the decedent's personal estate in estimating the distributable share of the widow therein.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	Hiram McElroy,
Lewis Alexander, Sr.,	John Finn,	W. F. Neat,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
W. S. Bailey,	Wm. Garrison,	W. F. Peak,
R. F. Bass,	J. P. Gay,	Thos. S. Pettit,

B. T. Birkhead,	J. C. Glenn,	J. F. Porter,
P. S. Bruner,	S. M. Gough,	C. D. Reed,
Polk Cansler,	Geo. T. Halbert,	D. H. Severs,
A. J. Carroll,	Thos. H. Hanks,	S. H. Shouse,
B. E. Caudill,	U. G. Harlow,	Fenton Sims,
F. P. Combest,	R. K. Hart,	W. W. Stephenson,
R. F. Comer,	H. K. Hay,	W. R. Stewart,
L. J. Cox,	P. R. Hays,	J. R. Summers,
J. S. Cullen,	W. J. Hissem,	J. R. Thomas,
J. M. Dawson, Jr.,	F. W. Hutcheson,	John M. Tinsley,
James R. Dean,	Daniel James,	D. W. Tribble,
E. M. Dickson,	R. M. Kincheloe,	J. H. Welch,
J. E. Durham,	T. S. Kirk,	B. F. Willett—56.
D. B. Edmiston,	C. W. Mathers,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hay read and laid on the table the following resolution, viz :

Resolved, That after the twelfth day of June, 1893, no new bills shall be introduced in this House.

The House took from the orders of the day H. B. 537, entitled

A bill to amend an act, entitled "An act relating to State penitentiary," approved 1893, and declaring an emergency.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The Commissioners of the Sinking Fund shall, unless the work is given out to the lowest and best bidder as now advertised by said Commissioners for June 5th, 1893, purchase such material as may be necessary, upon the best terms attainable, for the construction of cells, chapel, work-shops and such other work as may be necessary, and employ the prisoners not then leased in the performance of such work. The expenses thus incurred shall be paid out of the appropriations heretofore made for such purposes. The Commissioners are further directed, if necessary, to employ a competent contractor or builder to supervise the construction of said work, and he shall be paid a reasonable compensation for his services under contract, out of any money heretofore appropriated for the purpose of building and making repairs at said penitentiary.

§ 2. The prisoners in the Frankfort Penitentiary being idle, thereby involving the State in daily expense, an emergency exists, and this act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	D. B. Edmiston,	W. F. Neat,
Lewis Alexander, Sr.,	McD. Ferguson,	Eli Nicholls,
W. W. Ayres,	John Finn,	W. F. Peak,
W. S. Bailey,	J. M. Frazee,	Thos. S. Pettit,
John T. Bashaw,	Wm. Garrison,	J. F. Porter,
R. F. Bass,	J. P. Gay,	A. T. Pullen,
B. T. Birkhead,	S. M. Gough,	C. D. Reed,
P. S. Bruner,	Geo. T. Halbert,	D. H. Severs,
Polk Cansler,	Thos. H. Hanks,	S. H. Shouse,
A. J. Carroll,	U. G. Harlow,	Fenton Sims,
B. E. Caudill,	R. K. Hart,	W. W. Stephenson,
F. P. Combest,	H. K. Hay,	W. R. Stewart,
R. F. Comer,	P. R. Hays,	J. R. Summers,
L. J. Cox,	W. J. Hissem,	J. R. Thomas,
J. S. Cullen,	F. W. Hutcheson,	John M. Tinsley,
J. M. Dawson, Jr.,	Daniel James,	D. W. Tribble,
James R. Dean,	T. S. Kirk,	J. H. Welch,
E. M. Dickson,	C. W. Mathers,	B. F. Willett—56.
J. E. Durham,	Hiram McElroy,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 552, entitled A bill to amend an act, entitled “An act for the government of towns of the sixth class.”

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The Trustees of the State Normal School for Colored Persons, at Frankfort, are hereby authorized and empowered to build a dormitory on the grounds attached to said Normal School, and belonging to the State of Kentucky, in which only the persons attending said school as pupils shall be allowed to reside, on such terms and conditions and under such rules as may be prescribed by said Trustees.

§ 2. For the purpose of erecting said dormitory, there is hereby appropriated two thousand dollars, to be paid out of the Treasury, out of any money which may not have been heretofore appropriated. The Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury for said sum of two

thousand dollars, in such amounts and at such times as the Trustees of said school may demand the same. Said demands to be accompanied with an itemized statement of the amounts to be paid, and receipted and signed by the persons to whom said money is to be paid, for labor or material, and indorsed by a majority of said Trustees: *Provided, however,* That the said Trustees shall not contract for nor commence the erection of said dormitory, nor shall the Auditor draw his warrant on the Treasury for any part of said two thousand dollars, until said Trustees shall file with the Auditor a writing, signed by Dr. J. L. M. Curry, pledging the Trustees of the Slater Fund to pay to said Trustees of said State Normal School for Colored Persons the sum of one thousand dollars, to be paid in quarterly payments of (\$250) two hundred and fifty dollars each, said first payment to be made on October 1st, 1893; and said second quarterly payment on January 1st, 1894; and said third quarterly payment on April 1st, 1894; and last quarterly payment on July 1st, 1894.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were--

Mr. Speaker (Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Wm. Garrison,	W. F. Peak,
W. W. Ayres,	J. P. Gay,	Thos. S. Pettit,
W. S. Bailey,	J. C. Glenn,	J. F. Porter,
B. T. Birkhead,	Geo. T. Halbert,	A. T. Pullen,
P. S. Bruner,	Thos. H. Hanks,	C. D. Reed,
Polk Cansler,	U. G. Harlow,	D. H. Severs,
A. J. Carroll,	R. K. Hart,	S. H. Shouse,
B. E. Caudill,	H. K. Hay,	Fenton Sims,
F. P. Combest,	P. R. Hays,	W. W. Stephenson,
L. J. Cox,	W. J. Hissem,	W. R. Stewart,
J. S. Cullen,	F. W. Hutcheson,	J. R. Summers,
J. M. Dawson, Jr.,	Daniel James,	Lewis E. Thomas,
James R. Dean,	R. M. Kincheloe,	J. R. Thomas,
E. M. Dickson,	T. S. Kirk,	John M. Tinsley,
J. E. Durham,	C. W. Mathers,	D. W. Tribble,
D. B. Edmiston,	Hiram McElroy,	J. H. Welch,
McD. Ferguson,	W. F. Neat,	B. F. Willett—55.
John Finn,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 258, entitled A bill to establish a State Board of Pharmacy, defining its,

duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky,

Together with the substitute proposed therefor by the Senate.

Mr. Kirk moved to postpone the further consideration of said bill until Friday, June 9, 1893.

Said motion was rejected.

The question being taken on the adoption of said substitute; it was decided in the negative.

A message was received from the Senate, announcing that they had concurred in amendments proposed by the House to bills, which originated in the Senate, of the following titles, viz -

S. B. 210. An act for the government of cities of the third class.

S. B. 238. An act to amend an act, entitled "An act to increase the efficiency of the Inspector of Mines, and more fully provide for the protection of the lives and health of persons employed in the coal mines of this State," approved on the 13th day of January, 1893.

That they had agreed to the report of the Committee of Conference on S. B. 213, entitled

An act relating to evidence,

And had passed said bills, as amended.

That they had disagreed to H. B. 213, entitled

An act for the benefit of licensed keepers of stud-horses, jacks and bulls in this Commonwealth.

That they had passed H. B. 292, entitled

An act concerning innkeepers.

That they had passed bills and adopted a resolution of the following titles, viz :

1. S. B. 98. An act repealing all laws and parts of laws which authorize any municipality to become a stockholder in company, association or corporation, or to obtain or appropriate money for, or loan its credit to, any corporation, association or individual, and declaring an emergency.

2. S. B. 244. An act to amend subsection 4 of section 51 of the Civil Code of Practice.

3. S. B. 245. An act concerning turnpike road bonds issued

or to be issued under laws heretofore enacted, and taxes to be levied to pay the same.

4. S. B. 247. An act to amend an act to regulate the running at large of stock, approved May 16, 1893, and declaring an emergency.

5. Resolution providing a curator for the cabinet and other property of the Geological Survey.

Ordered, That said bills be referred—the 1st to the Committee on Corporate Institutions; the 2d to the Committee on Codes of Practice; the 3d to the Committee on Internal Improvements; the 4th to the Committee on Agriculture and Manufactures, and the 5th to the Committee on Geological Survey.

The House took from the orders of the day S. B. 239, entitled An act to regulate the sale of poisons in this Commonwealth.

The question being taken on ordering said bill to be read the third time, it was decided in the negative.

So said bill was rejected.

Mr. Sims moved that the House adjourn.

Said motion was adopted.

And then the House adjourned.

MONDAY, JUNE 5, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	George Will. Follis,	W. F. Neat,
Lewis Alexander, Sr.,	J. M. Frazee,	Eli Nicholls,
W. W. Ayres,	Wm. Garrison,	W. F. Peak,
R. F. Bass,	J. C. Glenn,	Thos. S. Pettit,
B. T. Birkhead,	S. M. Gough,	J. F. Porter,
John Botts,	U. G. Harlow,	A. T. Pullen,

P. S. Bruner,	A. L. Harned,	C. D. Reed,
Polk Cansler,	P. R. Hays,	D. H. Severs,
R. F. Comer,	W. J. Hissem,	S. H. Shouse,
L. J. Cox,	Daniel James,	C. C. Spalding,
J. S. Cullen,	R. M. Kincheloe,	W. W. Stephenson,
J. M. Dawson, Jr.,	T. S. Kirk,	W. R. Stewart,
James R. Dean,	Lewis Y. Leavell,	J. R. Summers,
E. M. Dickson,	C. W. Mathers,	Lewis E. Thomas,
J. E. Durham,	W. H. May,	J. R. Thomas,
D. B. Edmiston,	John S. May,	John M. Tinsley,
McD. Ferguson,	Hiram McElroy,	J. H. Welch—52.
John Finn,		

The following members were absent, viz :

T. J. Arnett,	Thos. H. Hanks,	J. A. Perkins,
W. S. Bailey,	R. K. Hart,	Granville Philpot,
Posey D. Ball,	H. K. Hay,	E. M. Pryse,
John Bartman,	B. B. Hensley,	I. M. Quigley,
John T. Bashaw,	Berry Howard,	R. E. Roberts,
W. P. Beard,	F. W. Hutcheson,	John Ryan,
B. F. Bennett,	W. W. Johnson,	Waller Sharp,
A. J. Carroll,	J. S. Joplin,	Fenton Sims,
B. E. Caudill,	Henry Kremer,	Samuel O. Tate,
A. H. Charlton,	William Krieger,	D. W. Tribble,
F. P. Combest,	Jno. M. Letterle,	N. S. Walton,
W. J. Cox,	H. P. Lively,	H. P. Whitaker,
Wesley Crow,	M. D. McInerney,	B. F. Willett,
Ben. F. Gardner,	Harvey Myers,	Geo. E. Willett,
J. P. Gay,	J. P. O'Meara,	R. B. Wilson,
Geo. T. Halbert,	John Lee Payne,	John D. Woods—48.

The Journal of Saturday was approved.

The House took from the orders of the day the following bills, viz :

H. B. 554. A bill providing for the removal of the seat of government from the city of Frankfort and the location of the same in the city of Lexington.

H. B. 555. A bill empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health, convenience or welfare of its inhabitants.

H. B. 556. A bill to authorize the county courts of the several counties of this Commonwealth to submit propositions for removing county seats to the legal voters of the respective counties.

Said bills were severally read the second time by their titles, The constitutional provision as to the second reading of said bills at length being dispensed with.

The House took from the orders of the day H. B. 550, entitled A bill to empower the trustees of the State Normal School for Colored Persons, at Frankfort, to build a dormitory.

Mr. Peak moved to amend said bill by adding to section 2 the following words: "But in no event shall the expenditure for said building exceed the amount specified in this bill."

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The Trustees of the State Normal School for Colored Persons, at Frankfort, are hereby authorized and empowered to build a dormitory on the grounds attached to said Normal School, and belonging to the State of Kentucky, in which only the persons attending said school as pupils shall be allowed to reside, on such terms and conditions and under such rules as may be prescribed by said Trustees.

§ 2. For the purpose of erecting said dormitory there is hereby appropriated two thousand dollars, to be paid out of the Treasury, out of any money which may not have been heretofore appropriated. The Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury for said sum of two thousand dollars, in such amounts and at such times as the Trustees of said school may demand the same. Said demands to be accompanied with an itemized statement of the amounts to be paid, and receipted and signed by the persons to whom said money is to be paid, for labor or material, and indorsed by a majority of said Trustees: *Provided, however*, That the said Trustees shall not contract for nor commence the erection of said dormitory, nor shall the Auditor draw his warrant on the Treasury for any part of said two thousand dollars, until said Trustees shall file with the Auditor a writing, signed by Dr. J. L. M. Curry, pledging the Trustees of the Slater Fund to pay to said Trustees of said State Normal School for Colored Persons the sum of one thousand dollars, to be paid in quarterly payments of (\$250) two hundred and fifty dollars each, said first payment to be made on October 1st, 1893; and said second quarterly payment on January 1st, 1894; and said third quarterly payment on April 1st, 1894; and last quarterly payment on July 1st, 1894. But in no event shall the expenditure for said building exceed the amount specified in this bill.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Neat,
Lewis Alexander, Sr.,	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	J. P. Gay,	W. F. Peak,
R. F. Bass,	J. C. Glenn,	Thos. S. Pettit,
B. T. Birkhead,	S. M. Gough,	J. F. Porter,
John Botts,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	A. L. Harned,	I. M. Quigley,
Polk Cansler,	P. R. Hays,	C. D. Reed,
B. E. Caudill,	W. J. Hissem,	D. H. Severs,
R. F. Comer,	F. W. Hutcheson,	S. H. Shouse,
L. J. Cox,	Daniel James,	Fenton Sims,
J. S. Cullen,	R. M. Kincheloe	C. C. Spalding,
J. M. Dawson, Jr.,	T. S. Kirk,	W. R. Stewart,
James R. Dean,	Lewis Y. Leavell,	J. R. Summers,
E. M. Dickson,	C. W. Mathers,	Lewis E. Thomas,
D. B. Edmiston,	W. H. May,	J. R. Thomas,
McD. Ferguson,	John S. May,	John M. Tinsley,
John Finn,	Hiram McElroy,	J. H. Welch—55.
George Will. Follis,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave of absence, indefinitely, was granted Mr. Tate.

The House took from the orders of the day H. B. 551, entitled
A bill to amend an act relating to revenue and taxation.

Mr. Ferguson moved to amend said bill by inserting the words “assessment and,” after the word “the,” and before the word “taxation,” in line 10.

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That an act, entitled “An act relating to revenue and taxation,” which became a law November 11, 1892, be, and the same is hereby, amended as follows : By adding at the end of article four the following additional section, to be numbered section ten, article four, to wit : The term “railroad,”

wherever it occurs in this article, is intended, and shall be held, to include any and all bridges over which a train of cars passes or is intended to pass or be conveyed, and the provisions of this article shall apply to the assessment and taxation of such bridges, and to persons, companies or corporations owning or operating any such bridge.

§ 2. As the question has been raised as to whether the provisions of this article apply to certain bridges of this character, an emergency is hereby declared to exist, and this act shall take effect when approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	Hiram McElroy,
Lewis Alexander, Sr.,	George Will. Follis,	W. F. Neat,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
R. F. Bass,	Wm. Garrison,	W. F. Peak,
B. T. Birkhead,	J. C. Glenn,	Thos. S. Pettit,
John Botts,	S. M. Gough,	J. F. Porter,
P. S. Bruner,	A. L. Harned,	A. T. Pullen,
Polk Cansler,	P. R. Hays,	C. D. Reed,
B. E. Caudill,	W. J. Hissem,	D. H. Severs,
R. F. Comer,	F. W. Hutcheson,	S. H. Shouse,
L. J. Cox,	Daniel James,	C. C. Spalding,
J. S. Cullen,	R. M. Kincheloe,	W. W. Stephenson,
J. M. Dawson, Jr.,	T. S. Kirk,	W. R. Stewart,
James R. Dean,	Lewis Y. Leavell,	J. R. Summers,
E. M. Dickson,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	W. H. May,	John M. Tinsley,
D. B. Edmiston,	John S. May,	J. H. Welch—52.
McD. Ferguson,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 545, entitled A bill to amend an act, entitled “An act to divide the State into one hundred Representative Districts.”

Ordered, That said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That an act, entitled “An act to divide the State into one hundred Representative Districts, be, and the same

is hereby, amended, by striking out of section 1 of said act the following: "Twenty-first district of the county of Simpson; twenty-second district of the county of Allen; thirty-seventh district of the counties of Adair and Cumberland; thirty-sixth district of the counties of Wayne and Clinton," and substitute in lieu thereof the following: "Twenty-first district of the counties of Allen and Simpson; twenty-second district of the counties of Clinton and Cumberland; thirty-sixth district of the county of Wayne, and thirty-seventh district of the county of Adair."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. E. Durham,	A. T. Pullen,
W. W. Ayres,	A. L. Harned,	C. C. Spalding,
B. T. Birkhead,	W. J. Hissem,	J. R. Summers,
P. S. Bruner,	Daniel James,	Lewis E. Thomas,
Polk Cansler,	John S. May,	John M. Tinsley—17.
J. S. Cullen,	W. F. Neat,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. P. Gay,	Eli Nicholls,
R. F. Bass,	J. C. Glenn,	W. F. Peak,
John Botts,	S. M. Gough,	Thos. S. Pettit,
B. E. Caudill,	U. G. Harlow,	J. F. Porter,
J. M. Dawson, Jr.,	P. R. Hays,	I. M. Quigley,
E. M. Dickson,	F. W. Hutcheson,	C. D. Reed,
D. B. Edmiston,	R. M. Kincheloe,	D. H. Severs,
McD. Ferguson,	T. S. Kirk,	S. H. Shouse,
John Finn,	Lewis Y. Leavell,	Fenton Sims,
George Will. Follis,	W. H. May,	W. W. Stephenson,
J. M. Frazee,	Hiram McElroy,	J. R. Thomas—34.
Wm. Garrison,		

So said bill was rejected.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz:

S. B. 103. An act relating to fees,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

And then the House adjourned.

TUESDAY, JUNE 6, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Peak,
Lewis Alexander, Sr.,	Wm. Garrison,	J. A. Perkins,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
R. F. Bass,	Geo. T. Halbert,	E. M. Pryse,
John Botts,	Thos. H. Hanks,	A. T. Pullen,
P. S. Bruner,	U. G. Harlow,	C. D. Reed,
Polk Cansler,	A. L. Harned,	D. H. Severs,
F. P. Combest,	H. K. Hay,	S. H. Shouse,
R. F. Comer,	P. R. Hays,	C. C. Spalding,
J. S. Cullen,	W. J. Hissem,	W. W. Stephenson,
J. M. Dawson, Jr.,	R. M. Kincheloe,	W. R. Stewart,
James R. Dean,	T. S. Kirk,	J. R. Summers,
E. M. Dickson,	William Krieger,	Lewis E. Thomas,
J. E. Durham,	Lewis Y. Leavell,	J. R. Thomas,
D. B. Edmiston,	W. H. May,	John M. Tinsley,
McD. Ferguson,	John S. May,	D. W. Tribble,
John Finn,	Hiram McElroy,	N. S. Walton—56.
George Will. Follis,	Eli Nicholls,	

The following members were absent, viz:

T. J. Arnett,	R. K. Hart,	John Lee Payne,
Posey D. Ball,	B. B. Hensley,	Granville Philpot,

John Bartman,
John T. Bashaw,
W. P. Beard,
B. F. Bennett,
B. T. Birkhead,
A. J. Carroll,
B. E. Caudill,
A. H. Charlton,
L. J. Cox,
Will J. Cox,
Wesley Crow,
Ben. F. Gardner,
J. P. Gay,

Berry Howard,
F. W. Hutcheson,
Daniel James,
W. W. Johnson,
J. S. Joplin,
Henry Kremer,
John M. Letterle,
H. P. Lively,
C. W. Mathers,
M. D. McInerney,
Harvey Myers,
W. F. Neat,
J. P. O'Meara,

I. M. Quigley,
R. E. Roberts,
John Ryan,
Waller Sharp,
Fenton Sims,
Samuel O. Tate,
J. H. Welch,
H. P. Whitaker,
B. F. Willett,
Geo. E. Willett,
R. B. Wilson,
John D. Woods—44.

The Journal of yesterday was approved.

The following bills were reported, viz :

By Mr. Shouse, from the Committee on Agriculture and Manufactures—

S. B. 247. An act to amend an act to regulate the running at large of stock, approved May 16, 1893, and declaring an emergency.

By Mr. Walton, from the Committee on Printing and Accounts—

H. B. 561. A bill authorizing the Public Printer to print 1,000 copies of certain city charters.

Said bills were severally read the first time, ordered to be printed, and read the second time on some other day.

Mr. Hart introduced H. B. 562, entitled

A bill to provide for the levy and collection of tax in certain common school districts to pay off indebtedness incurred by the trustees of such school districts in erecting and furnishing school-houses ; referred to the Committee on Education.

The House took from the orders of the day H. Resolution 108, entitled

Resolution providing for *sine die* adjournment.

Mr. Hart moved the previous question.

The Speaker stated, "Shall the main question be now put?"

Said motion was rejected.

The yeas and nays being required thereon by Messrs. Hart and Dickson, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	E. M. Dickson,	Lewis Y. Leavell,
Lewis Alexander, Sr.,	D. B. Edmiston,	Hiram McElroy,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
W. S. Bailey,	J. P. Gay,	J. F. Porter,
Polk Cansler,	U. G. Harlow,	C. D. Reed,
A. J. Carroll,	A. L. Harned,	S. H. Shouse,
F. P. Combest,	R. K. Hart,	C. C. Spalding.
R. F. Comer,	Daniel James,	N. S. Walton—26.
L. J. Cox,	T. S. Kirk,	

Those who voted in the negative, were—

R. F. Bass,	J. C. Glenn,	J. A. Perkins,
B. T. Birkhead,	Geo. T. Halbert,	Thos. S. Pettit,
John Botts,	Thos. H. Hanks,	A. T. Pullen,
P. S. Bruner,	H. K. Hay,	R. E. Roberts,
J. S. Cullen,	P. R. Hays,	D. H. Severs,
J. M. Dawson, Jr.,	W. J. Hissem,	Fenton Sims,
James R. Dean,	F. W. Hutcheson,	W. R. Stewart,
J. E. Durham,	R. M. Kincheloe,	J. R. Summers,
McD. Ferguson,	William Krieger,	Lewis E. Thomas,
John Finn,	W. H. May,	John M. Tinsley,
George Will. Follis,	John S. May,	D. W. Tribble—35.
Wm. Garrison,	W. F. Peak,	

Mr. Pettit moved to postpone the further consideration of said resolution until June 12, 1893.

Said motion was adopted.

The House took up for consideration the special order of the day, viz :

H. B. 546. A bill authorizing the Commissioners of the Sinking Fund to extend the State sewer leading from the Frankfort penitentiary along Mero street toward the Kentucky river, from its present terminus to the river, and making an appropriation therefor, and declaring an emergency.

Mr. Spalding moved the following as a substitute for said bill :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the Warden of the Frankfort penitentiary is hereby directed to extend, with convict labor, the sewer leading from the penitentiary and running down Mero street, from its present terminus to low water-mark in the Kentucky river: *Provided*, The city of Frankfort furnish free all the material necessary to complete the same.

§ 2. On account of the near approach of hot weather, an emer-

gency exists for the completion of said work, and this act shall take effect upon its approval by the Governor.

Said substitute was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as amended by the substitute.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	Hiram McElroy,
W. W. Ayres,	Wm. Garrison,	Eli Nicholls,
W. S. Bailey,	J. P. Gay,	W. F. Peak,
R. F. Bass,	S. M. Gough,	J. A. Perkins,
John Botts,	Geo. T. Halbert,	J. F. Porter,
P. S. Bruner,	Thos. H. Hanks,	E. M. Pryse,
Polk Cansler,	U. G. Harlow,	A. T. Pullen,
A. J. Carroll,	A. L. Harned,	C. D. Reed,
F. P. Combest,	R. K. Hart,	R. E. Roberts,
R. F. Comer,	H. K. Hay,	S. H. Shouse,
L. J. Cox,	P. R. Hays,	Fenton Sims,
J. S. Cullen,	W. J. Hissem,	C. C. Spalding,
J. M. Dawson, Jr.,	F. W. Hutcheson,	W. R. Stewart,
James R. Dean,	Daniel James,	J. R. Summers,
E. M. Dickson,	R. M. Kincheloe,	Lewis E. Thomas,
J. E. Durham,	T. S. Kirk,	J. R. Thomas,
D. B. Edmiston,	William Krieger,	John M. Tinsley,
McD. Ferguson,	Lewis Y. Leavell,	D. W. Tribble,
John Finn,	W. H. May,	N. S. Walton,
George Will. Follis,	John S. May,	J. H. Welch—60.

In the negative—Thos. S. Pettit—1.

Resolved, That said bill do pass, and that the title thereof be as follows, viz :

An act authorizing the Warden to employ convict labor, and extend the sewer along Mero street to low water-mark in the Kentucky river, and declaring an emergency.

The House took up for consideration the special order for this day, viz :

H. B. 547. A bill to provide for lighting the Governor's Mansion with electricity instead of gas.

Mr. Pettit moved to amend said bill by adding to section 1

these words: "That the said Commissioners are also directed to have the same extended to the State Capitol and several State departments, if, on examination, it will result in a saving of expense to the State; and the sum of \$800, or so much thereof as may be necessary, is hereby appropriated for that purpose."

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the Board of Sinking Fund Commissioners are hereby authorized and empowered to provide, by contract, the means of lighting the Governor's Mansion in a proper manner by electricity, instead of gas, from the electric light plant used for lighting the State Prison at Frankfort, at a cost to the State not exceeding (\$250) two hundred and fifty dollars, and such other cost as may be necessary to keep the means provided therefor in repair, to be paid for out of any money in the State Treasury not otherwise appropriated, on warrant of the Auditor approved by the Governor.

§ 2. In order to cheapen to the State the cost of lighting the Governor's Mansion, an emergency is hereby declared, and this act shall take effect from its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. C. Glenn,	Thos. S. Pettit,
Lewis Alexander, Sr.,	S. M. Gough,	J. F. Porter,
W. W. Ayres,	Geo. T. Halbert,	E. M. Pryse,
W. S. Bailey,	Thos. H. Hanks,	A. T. Pullen,
R. F. Bass,	U. G. Harlow,	I. M. Quigley,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	R. K. Hart,	R. E. Roberts,
Polk Cansler,	H. K. Hay,	D. H. Severs,
A. J. Carroll,	P. R. Hays,	S. H. Shouse,
L. J. Cox,	W. J. Hissem,	Fenton Sims,
J. S. Cullen,	F. W. Hutcheson,	C. C. Spalding,
J. M. Dawson, Jr.,	Daniel James,	W. R. Stewart,
E. M. Dickson,	R. M. Kincheloe,	J. R. Summers,
J. E. Durham,	Lewis Y. Leavell,	Lewis E. Thomas,
D. B. Edmiston,	W. H. May,	J. R. Thomas,
McD. Ferguson,	John S. May,	John M. Tinsley,
John Finn,	Hiram McElroy,	D. W. Tribble,
George Will Follis,	Eli Nicholls,	N. S. Walton,
J. M. Frazee,	W. F. Peak,	J. H. Welch—58.
Wm. Garrison,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as follows, viz :

An act to provide for the lighting of the Governor's Mansion and other State buildings at Frankfort with electricity instead of gas.

The House took from the orders of the day the following bills and resolution, viz :

H. B. 498. A bill imposing a collateral inheritance tax.

H. B. 536. A bill to prevent trusts, pools, combinations or other organizations from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value, and fixing a penalty for violations thereof.

H. B. 540. A bill to amend an act, entitled "An act providing for the creation and regulation of private corporations."

H. B. 553. A bill to amend an act, entitled "An act providing for the creation and regulation of private corporations."

H. B. 558. A bill to amend section 15 of chapter 7 of an act relating to revenue and taxation.

H. B. 474. A bill imposing a tax on the estates of inheritance, distributive shares and legacies.

H. B. 516. A bill requiring tax on income, and providing penalties for failure to pay same.

H. B. 509. A bill to levy and collect a license tax on dogs, to encourage wool-growers, and the suppression of hydrophobia in this Commonwealth.

H. Resolution 103. Resolution to provide for collating, compiling, classifying, arranging, indexing and editing the general statutory laws of this Commonwealth.

Said bills and resolution were severally read the second time by their titles,

The constitutional provision as to the second reading of said bills and resolution at length being dispensed with.

Mr. J. R. Thomas moved to make the last-named bill a special order for Thursday, June 8, 1893.

Said motion was adopted.

The House took from the orders of the day H. B. 556, entitled A bill to authorize the county court of the several counties of

this Commonwealth to submit propositions for removing county seats to the legal voters of the respective counties.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That when a petition, signed in person by a number of the legal voters of any county, equal to ten per cent. of the number of votes cast in said county at the last general election for county officers preceding the filing of the petition, shall be filed at a regular term of the county court thereof, asking for same, it shall be the duty of said court, by order entered of record, to call an election to be held, and to direct a poll to be opened at the various precincts in the county on the day of the next general election to be held in said county, which does not occur within less than ninety days from the filing of said petition, at which election the proposition for removing the county seat shall be submitted to the legal voters of said county for their approval or rejection. But no order of the county court calling such an election shall be legal unless the place to which the county seat is proposed to be removed is specified and designated in the petition, and also in the order of court calling said election. It shall be the duty of the county court, by orders entered of record, to direct the sheriff of the county to advertise said election, and the object thereof, for at least sixty days next before the day thereof, in all the newspapers published in the county, and if none should be published therein, then by printed handbills posted up at not less than four of the most public places in each precinct, and at the court-house door.

§ 2. It shall be the duty of the officers of said election in each voting precinct to hold said election the same hours they are by law required to hold elections for county officers, and said election shall be held and conducted in all respects, under the general election laws obtaining in this Commonwealth at the time of the election.

§ 3. That no county seat shall be removed, unless two-thirds of all legal voters who vote at said election shall vote for the removal thereof. If two-thirds do vote for removal, then the fiscal court of the county shall provide for the removal of the county seat. The elections provided for herein shall not be held oftener than once in ten years in the same county.

§ 4. If any officer willfully fail to perform his duty as herein directed, he shall be deemed to be guilty of misfeasance in office, and shall be fined not exceeding one hundred dollars, on conviction, under indictment by a grand jury of the county. All laws in conflict with this act are hereby repealed.

§ 5. There being a number of counties in this Commonwealth in which the county seats are unsatisfactorily located, and in

some of said counties new court-houses have to be built, and it being important that the county seats in such counties should be located before the building of new court-houses therein, therefore an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	J. A. Perkins,
W. W. Ayres,	J. P. Gay,	Thos. S. Pettit,
W. S. Bailey,	J. C. Glenn,	J. F. Porter,
R. F. Bass,	S. M. Gough,	E. M. Pryse,
B. T. Birkhead,	Geo. T. Halbert,	A. T. Pullen,
P. S. Bruner,	Thos. H. Hanks,	I. M. Quigley,
Polk Cansler,	U. G. Harlow,	C. D. Reed,
A. J. Carroll,	A. L. Harned,	R. E. Roberts,
F. P. Combest,	P. R. Hays,	D. H. Severs,
R. F. Comer,	W. J. Hissem,	S. H. Shouse
L. J. Cox,	F. W. Hutcheson,	Fenton Sims,
J. S. Cullen,	Daniel James,	W. R. Stewart,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
James R. Dean,	Lewis Y. Leavell,	Lewis E. Thomas,
J. E. Durham,	W. H. May,	J. R. Thomas,
D. B. Edmiston,	John S. May,	John M. Tinsley,
McD. Ferguson,	Eli Nicholls,	D. W. Tribble,
John Finn,	W. F. Peak,	N. S. Walton—55.
George Will. Follis,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 555, entitled

A bill empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health, convenience or welfare of its inhabitants.

Mr. Cullen moved to amend section 5, line 9, by striking out after the word “ enough ” the words “ not exceeding one-half mile.”

Said amendment was adopted.

Mr. Pettit moved to amend section 20, line 1, by striking out the word “ job,” and inserting in lieu thereof the word “ work.”

Said amendment was adopted.

Mr. Pettit moved to amend section 21, line 3, by striking out the word "job," and inserting in lieu thereof the word "work."

Said amendment was adopted.

Mr. Cullen moved to amend section 22 by striking out of line 23 the word "hedges."

Said amendment was adopted.

Mr. McElroy moved to strike out section 28.

Said motion was rejected.

Mr. McElroy moved to amend section 31 by striking out of said section the words: "The viewers and reviewers shall each receive \$2 per day. The surveyor or engineer shall be allowed \$3 per day for the time actually employed by him; each chainman, axman and rodman one dollar and twenty-five cents per day," and insert in lieu thereof the words: "The viewers, chain-carriers, surveyor and axman shall receive the same fees that are allowed in opening roads."

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the county judge of any county shall have power, at any regular session of the county court, when the same shall be conducive to the public health, convenience or welfare, or when the same will be of public or private benefit or utility, to cause to be constructed, as hereinafter provided, any ditch, drain or water-course within said county.

Petition—Viewers—Duties.

§ 2. Before the county judge shall establish any ditch, drain or water-course, there shall be filed with the county clerk of such county a petition, signed by one or more of the land-owners whose lands will be liable to be affected by or assessed for the expense of construction of the same, setting forth the necessity therefor, with a general description of the proposed starting point, route and terminus; and shall give a bond, with good and sufficient freehold sureties, payable to the State, to be approved by the clerk, conditional to pay all expenses, in case the county judge shall fail to establish said proposed ditch, drain or water-course. As soon as said petition is filed, said judge shall, if in regular session, or at his next regular session, appoint three resident freeholders and householders of the county not interested in the construction of the proposed work, and not of kin to any parties interested therein, as viewers, to meet at

a time and place specified by said court, preparatory to commencing their duties as hereinafter specified ; and it shall be the duty of the clerk thereupon to issue to said viewers a certified copy of the petition and order of the court, who shall proceed, at the time set in said order, with a surveyor, who shall be a civil engineer, and shall make an accurate survey of the line of said ditch, drain or water-course, from its source to its outlet ; and they shall cause stakes or monuments to be set along said line, numbered progressively, down stream, at each one hundred feet ; and they shall make computation of the total number of cubic yards of earth to be excavated and removed from said ditch, drain or water-course, and an estimate of the total cost of construction of the whole work ; and they shall set apart and apportion to each parcel of land, and to each corporate road or railroad, and to the county where public highways are benefited, a share of said work in proportion to the benefits which will result to each from such improvements ; and give the location of each share, its length in feet and the estimated number of cubic yards of earth to be removed therefrom, and the price per cubic yard, and the cost of construction, each share or allotment separately, and specify the manner in which the work shall be done ; and they shall have power, where they find it necessary, to provide for running said ditch under ground, through drain tiles or other materials, as they may deem best, by specifying the size and kind of tile or other materials to be used in such underground work, and shall estimate the cost of the same as a part of the total cost of the work ; and they shall accurately describe, as the same is described in the petition, each parcel of land to be assessed for the construction of said ditch, giving the number of acres in each tract assessed, and the estimated number of acres benefited, the amount that each tract of land will be benefited by the construction of said work, and the amount that each tract is assessed therefor ; and they shall, in tabular form, give the depth of cut, width at bottom, and width at top, at the source, outlet, and at each one hundred-foot stake or monument of said ditch, drain or water-course ; and they shall also ascertain and give the names of the owners of the lands that are assessed for the construction of said ditch, drain or water-course, as far as they can be ascertained with reasonable inquiry and search of the public records, and report also whether or not the proposed ditch or drain will be of public or private utility.

Deduction for Work Done.

§ 3. Whenever a public or private ditch, drain, or water-course is located wholly or in part in the bed of a private ditch already or partially constructed, the viewers shall make an estimate of the number of cubic yards of earth already excavated, and cost of the same, on each tract of land, and deduct the same from the assessment thereon.

Assessments of Benefits.

§ 4. All land benefited by a public or private drain, ditch or water-course shall be assessed in proportion to the benefits for the construction thereof, whether it passes through said lands or not; and the viewers, in estimating the benefits to lands not traversed by said ditch, shall not consider what benefits such lands will receive after some other ditch or ditches shall be constructed, but only the benefits that will be received by reason of the construction of the public or private ditch, as it affords an outlet for the drainage of such lands.

Location of Drains.

§ 5. In locating a public or private ditch, drain or water-course, the viewers may vary from the line described in the petition, as they deem best: *Provided*, They commence the ditch at a point described in the petition, and follow down the line therein described, as near as practicable: *And provided further*, That when there is not sufficient fall in the length of the route described in the petition to drain the lands adjacent thereto, they may extend the ditch below the outlet named in the petition far enough to obtain a sufficient fall and outlet. And when it will not be detrimental to the usefulness of the whole work, they shall, as far as practicable, locate the ditch on the division lines between lands owned by different persons; and they shall, as far as practicable, avoid laying the same diagonally across the lands, but they must not sacrifice the general utility of the ditch to avoid diagonal lines. And all persons whose lands may be affected by said ditch may appear before said viewers, and freely express their opinions on all matters pertaining thereto.

Damages.

§ 6. In locating a public or private ditch, drain or water-course, the viewers shall estimate the damages, if any, that any person or persons will sustain by reason of the construction of such ditch, and assess such damages to the parties owning the lands benefited, in proportion as each tract of land is assessed for benefits.

Route and Location.

§ 7. The viewers, if they find the route proposed is not such as best to effect the object sought, or that the proposed drainage can be effected as well in connection with a ditch necessary for the improvement of public highways already established, or such as may be thereafter required, shall proceed to establish the route. If the route proposed is upon a line where a public road may be required, and in all cases in which the route proposed is along highways already established, the viewers shall locate the ditch at a sufficient distance from the centre of such

highways to admit of a good road along such central line; the earth taken from such ditch shall be so placed upon the roadway as to form a turnpike; and no part of the earth excavated from a public or private ditch shall be placed nearer to the margin thereof than two feet. But in locating a drain as above, the viewers shall not materially depart from the terminal points described in said petition.

Proceedings and Report of Viewers.

§ 8. Said viewers may, after having met at the time and place specified in the order issued to them by the clerk, proceed immediately to perform their said duties, or adjourn from time to time, as best suits their convenience, and file their report with the clerk, at least ten days before the next regular term of the said county court: *Provided*, The water be high, or the weather inclement, they shall not be compelled or required to file their report until at least ten days before the second regular county court after having received their order from the clerk; but their report must then state the reason for such postponement. And if the viewers find the proposed ditch, drain or water-course not of public or private benefit or utility, they may report against the location of same; in which case their report need only state that they find the proposed work not to be of public or private benefit or utility.

Notice.

§ 9. It shall be the duty of the clerk, on said report being filed, if it be in favor of the proposed work, to cause a notice to be given by publication, for ten consecutive days, by posting three written copies of said notice in three public places in the precinct or precincts where the proposed work is located, and one at the door of the court-house in said county, of the pendency of said petition, and the time set for hearing thereof; which notice shall briefly state where said ditch commences at its source, through whose land it passes, and where it terminates at the outlet, together with the names of the owners of the lands that will be affected thereby, so far as they can be ascertained with reasonable inquiry and search of the public records in the office of the clerk of the county court; and at the same time the clerk shall mail a copy of the same to all non-residents whose address is known to him or can be ascertained by conveniently inquiring.

Duty of Court.

§ 10. Said county judge, at the time set for the hearing of said petition, shall, if there be no remonstrance filed, proceed to hear said petition; and if the viewers' report is made in accordance with the provisions of this act, and it be in favor of the proposed work, and the court find the proposed drain to be of

public or private utility, or conducive to public or private health, or of public or private benefit or convenience, it shall establish the same as specified in the report. But if the viewers report against the proposed work, the court shall dismiss the petition and tax the cost as hereinafter provided. And when damages are awarded to any person or persons or corporations, as provided by this act, the court shall order the same to be assessed and paid by the party or parties benefited by the proposed work, to the person, persons or corporation entitled thereto.

Remonstrance.

§ 11. It shall be lawful for any person interested in the location of said proposed work to file with the county clerk, at or before the time set for the hearing of the petition, a remonstrance against the ditch as located by the viewers, on and across his lands, by setting forth his grievances therein; and any person deeming his assessment too high or the damages allowed him too low, may remonstrate for such reasons against the action of the viewers. Any person filing a remonstrance shall file with the same a bond, payable to the State, with not less than two freehold sureties, conditional for the payment of all costs and expenses caused by such remonstrance. If the action of the viewers be sustained by reviewers to be appointed as heretofore provided, such bond to be approved by the clerk. And thereupon the court shall appoint three disinterested resident freeholders and householders of the county, not of kin to any person interested in the proposed work, as reviewers, to meet at a specified time and place preparatory to commencing said review. And it shall be the duty of the clerk thereupon to issue to said reviewers a certified copy of the petition and remonstrance and order of the court in appointing such reviewers.

Proceedings and Report of Reviewers.

§ 12. Such reviewers shall meet at the time and place mentioned in the order issued to them by the clerk, and proceed to review the action and report of the viewers, as well as the entire premises through which the proposed work extends, and shall be vested with all powers granted to the viewers originally, except that if they find the proposed work of public or private benefit or utility, they shall not change the line of the ditch, as located by the viewers, at any other place or places than those complained of in the remonstrance, and then only far enough to do justice to the party remonstrating. And they shall, before commencing said review, obtain from the clerk the report of the viewers, which they shall carefully preserve, and return to the clerk when they have completed their review. And they shall file with the clerk a report of their proceedings in the premises, after having subscribed and sworn to the same, at any time be-

fore the next regular term of said court ; and if the reviewers sustain the action of the viewers, and make no change in the proposed work, their report need only state that, after having made full examination of the viewers' report, as well as the entire premises through which the proposed work extends, they find the action of the viewers just and correct, and that they sustain and approve the action of the viewers and their report.

Recording by Clerk.

§ 13. Upon the filing of the report of the reviewers, as required by the preceding section, the clerk shall, when court convenes in regular session, record the same, together with the proceedings had in the matter of the petition. And if said reviewers sustain and approve the action of the viewers, without change, all costs occasioned in consequence of the filing of the remonstrance shall be taxed against the parties remonstrating, and a fee bill shall issue thereon by the clerk, and be collected as provided by law.

Costs.

§ 14. If the reviewers find the proposed work of public or private benefit or utility, and do not sustain the entire action of the viewers, but make changes in favor of the remonstrants, the costs occasioned in consequence of the filing of the remonstrance shall be taxed as a part of the total costs of the work, as the same is taxed against the parties benefited in proportion to their benefits ; and if the reviewers find the proposed work not of public or private benefit or utility, the entire cost shall be taxed against the petitioners and collected as provided in the preceding section.

Action of Court.

§ 15. Upon the filing of the report of the reviewers the court shall, if such report is made in accordance with the provisions of this act, establish the same as described in the report of the viewers, as the same is sustained, corrected or changed in the report of the reviewers.

Viewers' Final Report—Costs—Appointment of—Collection.

§ 16. Whenever the court establish a public or private ditch, drain or water-course, it shall order the viewers, if the same is established without remonstrance, according to the viewers' report (or the reviewers, if the same is established according to their report), to meet, at a time and place specified, after the lapse of five days, and make a final report, in which they shall specify the time in which each share or allotment of the ditch shall be constructed and completed, and they shall apportion the cost of the location thereof ; the damages, if any, shall have been allowed, and compensation to the surveyor or engineer, the viewers, re-

viewers and laborers who assisted the viewers in making out the ditch, and award to each person or persons or corporation owning the lands assessed for the construction of said work their proportionate share of said costs and expenses, and shall specify the time in which the same shall be paid to the county clerk, and file their report with the clerk, after having subscribed and sworn to the same. It shall be the duty of the surveyor or engineer to file with the clerk, before the making of such final report, an itemized account of his services up to the time of such report, verified by his oath. And it shall be the duty of the viewers and reviewers to file, with their reports, an account of the names of the laborers and time each was employed by them, and also of the time they were necessarily engaged in viewing or reviewing the ditch and making and filing their reports. And all compensation and damages allowed by this section shall be collected by the sheriff as other taxes are collected, and paid to the county clerk, and the compensation paid out when collected on an order from the court to the parties entitled thereto; and the damages, when collected, shall be paid to the parties entitled thereto, according to the report of the viewers or reviewers.

Appeal.

§ 17. Any person or corporation aggrieved thereby may appeal from any final order or judgment of the court made in the proceedings and entered upon the record, determining either of the following matters:

First. Whether said ditch will be conducive to the public or private health, convenience or welfare.

Second. Whether the route thereof is practicable.

Third. Whether the assessments made for the construction of the ditch are in proportion to the benefits to be derived therefrom.

Fourth. The amount of damages allowed to any person or persons or corporation. And the appellant shall file with the circuit court clerk an appeal-bond, with at least two freehold sureties, to be approved by the circuit court clerk, conditioned that he will duly prosecute such appeal and pay all costs that may be adjudged against him in the circuit court: *Provided*, That such appeal-bond shall be filed within ten days after such final order or judgment of the county court is made; and after the lapse of such ten days no appeal can be taken. And if an appeal be taken, the clerk shall withhold his notice to the viewers or reviewers to make their final report, and he shall, within twenty days after the appeal-bond is filed, make a transcript of the proceedings had before the county court and certify the same, together with all the papers filed in his office pertaining to such proposed work, to the clerk of the circuit court.

Appeal, Hearing of—Judgment.

§ 18. The clerk of the circuit court shall docket said appeal, styling the appellant the plaintiff and the petitioner or petitioners the defendant; and if the appellant is the only petitioner, then it shall be docketed as an *ex parte* proceeding, and said case shall stand for trial as all other appeal cases, and shall be tried as other appeal cases are tried in the circuit court. After the trial and judgment in the circuit court, the clerk of the circuit court shall retransmit all the original papers in said appeal and proceedings filed in the county clerk's office to the clerk of the county, together with a transcript of the proceedings had in circuit court, including a certified copy of the finding, verdict and judgment of the court. The county court, at its next regular or special session, shall proceed with said petition in accordance with the judgment of the circuit court; the clerk of the circuit court shall also certify an itemized statement of the cost accrued in the circuit court, and such cost and damages shall be paid as herein provided in section seventeen.

Construction—Contracts, Sale of—Notice of Sale—Bond.

§ 19. After the transcript of the proceedings had in the circuit court, and all other papers in the case, are returned to the county clerk's office, the court shall cause such entries to be made on the record as may be necessary to give effect to the judgment of the circuit court, or if there be no appeal, any job not completed by the land-owners within the time fixed in the final report of the viewers or reviewers, as the case may be, shall be sold by the clerk to the lowest responsible bidder at the door of the court-house; but, before the clerk shall make such sale, he shall give notice for two consecutive weeks by posting three written or printed copies of such notice in three public places in the vicinity of the proposed work, and one at the door of the court-house, of the time when and place where he will sell such allotment, and no bid shall be entertained which exceeds twenty-five per cent. over and above the estimated cost of construction of such allotment; and the clerk shall contract with the party to whom the allotment is sold, requiring him to construct such share or allotment in the manner set forth in the report of the viewers or reviewers, and within such time as the clerk may fix, not exceeding ninety days from the day of sale, and shall take from him a bond, with two freehold sureties, payable to the State, for not less than double the amount for which such work is sold, to be approved by the clerk, conditioned that he will perform his contract and pay all damages which may accrue to any person by reason of his failure to complete the job within the time required in the contract thereof: *Provided, however*, That the clerk shall not sell any allotment until the section immediately below shall have been completed.

Resale of Work to be Done—Time to Complete—Cost—Collection of.

§ 20. Any work not completed within the time fixed in the contract and bond provided for in the preceding section, shall be resold by the clerk to the lowest responsible bidder, but shall not be sold for a sum exceeding twenty per cent. above the estimated value of such work, nor a second time to the same party. A contract and bond shall be entered into as hereinbefore provided, but the judge may, for good cause, give further time to any contractor not exceeding sixty days. The clerk shall fix the time for completion of the work resold, not exceeding sixty days from the day of resale. The cost and expenses of the sale and resale of any allotment shall be placed by the clerk and recovered off of the contractor and bondsmen as other fee-bills are collected.

Inspection of Work Done—Certificate—Lien.

§ 21. It shall be the duty of the county surveyor or engineer, on being notified by any land-owner that his allotment, or by any contractor that his job is completed, to inspect the same; and if he find that it is completed according to the specifications of the report on which the ditch was established, he shall accept it and give to the land-owner, or, in case the job has been sold, to the contractor a certificate of acceptance, stating that said allotment or job is completed according to such specifications. And if any share or allotment has been sold to a person, not the owner of the land assessed therefor, he shall, in addition, state the amount due the contractor for constructing the same from the owner of the land, which certificate shall be a lien upon the land assessed for such share or allotment, and shall be due and payable immediately by the owner of the land; and if the allotment sold belongs to a non-resident of the county, the clerk shall state such fact when he offers it for sale. And when the county surveyor or engineer, heretofore provided, accepts it and issues his certificate of acceptance, he shall file with the county clerk a copy thereof, whereupon the clerk shall charge the amount mentioned in said certificate on the tax-books against the land assessed with such allotment, to be collected as other taxes are collected, together with six per cent. for the holder of the certificate after the same becomes delinquent, and when collected, it shall be paid to the person holding the certificate by the tax collector.

Obstructing Ditch—Liability—Planting Trees.

§ 22. Every person through whose land any ditch is constructed under the provisions of this act, shall be required to keep said ditch open and free of obstruction on his own lands, and shall keep the said ditch and its banks thereof free from

willows and other vegetation which may have a tendency to grow in the water of said ditch and obstruct the same upon his premises ; and in case of failure so to do, he shall be liable to pay the expense of removing such willows or other obstructions. Any person interested in such ditch may file an application with the county clerk, stating on oath that such ditch, or some part thereof, is obstructed ; whereupon the county judge shall appoint a person to examine the premises at once, and inquire into the truth of such sworn statement, and if he find the statement to be true, he shall notify the owner of the land to remove such obstruction within ten days ; and if the owner shall fail to remove same, such person so appointed shall at once cause the same to be removed at the expense of such land-owner, and certify the same to the county clerk, who shall place the same, with all his fees in the case, on the tax-books as an assessment on the lands of such person, and the same shall be a lien upon such land, and shall be collected as other taxes. The cost and expense for removing such obstruction shall be allowed by the county clerk and paid by the sheriff when same is collected. The planting of willows and trees along the edge of the ditch, or permitting the same to grow, shall be deemed an obstruction of such ditch.

Cleaning—Inspection—Cost.

§ 23. When any ditch constructed under this act needs to be cleaned out, any owner of any land originally assessed for its construction may file a statement with the county clerk, in writing, setting forth such necessity, and the county judge shall instruct the county surveyor, or some surveyor, if there be no county surveyor, to examine the ditch and report, on oath, an estimate of the amount of work required to clean out said ditch, and such sum, if found reasonable in amount by the court, shall be divided pro rata according to the original assessment of benefits, unless the necessity of cleaning out arises from the act or neglect of any land-owner or corporation, in which case the damages caused by such act or neglect shall be taken into consideration, and assessed against such land-owner or corporation. In case the surveyor shall decide that such ditch does not require cleaning out, then the cost and expense of such application and view shall be paid by the person making such written statement. This provision as to cleaning out ditches shall apply only to ditches or drains constructed or established under this act.

Cleaning—Contract—Tax.

§ 24. Such surveyor shall return his estimate and assessment for cleaning out to the clerk, and the county judge shall appoint a day for hearing the same, and cause notice to be given as is provided for in the construction of the ditch ; and when the court has made the apportionment as he deems right and proper,

he shall cause the same to be entered upon the record, and the clerk shall place the same upon the tax-books against the lands, and notify the sheriff, who shall collect same as other taxes. The work of cleaning out the ditch shall be advertised, sold and let, and the contracts performed as provided for in this act for construction of said ditch, and the contractor shall be paid by the land-holder or sheriff after the collection of the assessment, if not paid before same is turned over to the sheriff.

Ditch Record.

§ 25. The clerk shall make, in a book to be provided for that purpose at the expense of the county, a complete record of each ditch improvement made in his county under the provisions of this act. It shall include the petition, bond, report of viewers, surveyors or engineer, and all record entries made, together with all plats and papers necessary to show a complete history of all that is done in each case.

Ditch Record—Accounts—Special Fund.

§ 26. The county clerk of any county wherein a ditch improvement is ordered under this act, whether the same is the construction of a new ditch or the deepening, widening, straightening or alteration of an old ditch, shall provide a suitable book at the expense of the county, in which to keep such ditch accounts with the parties. The clerk shall open therein an account with each improvement in the name by which the same is generally known, and charge all assessments and credit all payments made in the case. The money collected shall constitute a special fund, and shall be paid out by the clerk to the persons entitled to same, by the provisions of this act, on orders from the county judge.

Ditch in Two or More Counties.

§ 27. Where a ditch is petitioned for which will require a location in more than one county, application shall be made to the county court of each of said counties, and one viewer selected by each of said courts, and an engineer selected by the court of the county having in it the greatest length of said ditch, who shall make duplicate reports, filing one in each county; application for damages shall be made and objections to assessments shall be made in the county, and appeals from the findings shall be taken to the circuit court of the county in which the greatest length of such ditch is located.

Engineer and Surveyor's Bond.

§ 28. The county court shall require the surveyor and engineer appointed by him, under the provision of this act, in each case to enter into a good and sufficient bond, with surety, to be

approved by him, conditioned for the faithful performance of his duties in said cause, in a sum of one thousand dollars, and an action may be brought on said bond by any person aggrieved by the failure of such engineer and surveyor to do his duty, in the name of the State of Kentucky, for the use of such person.

Officers' Neglect of Duty.

§ 29. If an engineer or county judge, county clerk, circuit clerk, viewers or reviewers, neglect or refuse to perform any duty imposed by the provision of this act, he shall forfeit and pay a fine of twenty-five dollars for every such refusal, to be recovered in the name of the State for the benefit of the proposed ditch fund at the suit of any person aggrieved.

Railroads and Highways.

§ 30. When any ditch established under this act drains, either in whole or in part, any public or corporate road or railroads, or benefits any such road, so as that the road-bed or traveled track of any such road will be made better by the construction of such ditch, the viewers or reviewers shall apportion to the county, if a county, State or free turnpike road, and to the company, if a corporation road or railroad, such portion of the cost and expenses thereof as to private individuals, and require them to pay said costs and perform said labor in like manner as individuals.

Compensation—Fees.

§ 31. The following fees shall be allowed for services actually rendered under the provisions of this act: The viewers, surveyor, chainman and axman shall receive the same fees that are allowed in opening roads. The fees of the clerk, sheriff and witnesses shall be the same as allowed them by law for like services in civil cases in the circuit court.

Fees, Payment of.

§ 32. All fees under this act shall be paid out of money realized from the collection of assessments.

County Clerk and Sheriff.

§ 33. The sheriff and county clerk shall be responsible on their official bond for all money that comes into their hands under this act.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	McD. Ferguson,	John S. May,
Lewis Alexander, Sr.,	George Will. Follis,	Hiram McElroy,
W. W. Ayres,	J. M. Frazee,	Eli Nicholls,
W. S. Bailey,	Ben. F. Gardner,	W. F. Peak,
Posey D. Ball,	J. P. Gay,	J. A. Perkins,
R. F. Bass,	S. M. Gough,	Thos. S. Pettit,
B. T. Birkhead,	Geo. T. Halbert,	E. M. Pryse,
John Botts,	Thos. H. Hanks,	A. T. Pullen,
P. S. Bruner,	U. G. Harlow,	J. M. Quigley,
Polk Cansler,	A. L. Harned,	C. D. Reed,
A. J. Carroll,	H. K. Hay,	R. E. Roberts,
B. E. Caudill,	P. R. Hays,	S. H. Shouse,
R. F. Comer,	W. J. Hissem,	Fenton Sims,
L. J. Cox,	F. W. Hutcheson,	C. C. Spalding,
J. S. Cullen,	Daniel James,	W. R. Stewart,
James R. Dean,	T. S. Kirk,	John M. Tinsley,
E. M. Dickson,	Lewis Y. Leavell,	D. W. Tribble,
J. E. Durham,	W. H. May,	N. S. Walton—55.
D. B. Edmiston,		

Those who voted in the negative, were—

J. M. Dawson, Jr., R. M. Kincheloe, J. R. Summers—3.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 544, entitled
A bill providing for the removal of the seat of government from the city of Frankfort, and the location of same in the city of Lexington.

Mr. W. H. May moved to postpone the further consideration of said bill until Wednesday, June 14, 1893, and that the same be made a special order for that day.

Said motion was adopted.

Mr. Roberts moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

WEDNESDAY, JUNE 7, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. (Speaker Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Wm. Garrison,	W. F. Peak,
W. W. Ayres,	S. M. Gough,	J. A. Perkins,
W. S. Bailey,	Geo. T. Halbert,	Thos. S. Pettit,
Posey D. Ball,	Thos. H. Hanks,	J. F. Porter,
R. F. Bass,	U. G. Harlow,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
John Botts,	H. K. Hay,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	D. H. Severs,
Polk Cansler,	W. J. Hissem,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	C. C. Spalding,
L. J. Cox,	Daniel James,	W. W. Stephenson,
J. M. Dawson, Jr.,	J. S. Joplin,	W. R. Stewart,
James R. Dean,	R. M. Kincheloe,	J. R. Summers,
E. M. Dickson,	William Krieger,	J. R. Thomas,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley,
D. B. Edmiston,	H. P. Lively,	N. S. Walton,
McD. Ferguson,	W. H. May,	J. H. Welch,
John Finn,	Hiram McElroy,	John D. Woods—57.

The following members were absent, viz :

T. J. Arnett,	J. C. Glenn,	John Lee Payne,
John Bartman,	R. K. Hart,	Granville Philpot,
John T. Bashaw,	P. R. Hays,	I. M. Quigley,
W. P. Beard,	Berry Howard,	R. E. Roberts,
B. F. Bennett,	W. W. Johnson,	John Ryan,
A. J. Carroll,	T. S. Kirk,	Waller Sharp,
A. H. Charlton,	Henry Kremer,	Fenton Sims,
F. P. Combest,	John M. Letterle,	Samuel O. Tate,
R. F. Comer,	C. W. Mathers,	Lewis E. Thomas,
W. J. Cox,	John S. May,	D. W. Tribble,
Wesley Crow,	M. D. McInerney,	H. P. Whitaker,
J. S. Cullen,	Harvey Myers,	B. F. Willett,
George Will. Follis,	W. F. Neat,	Geo. E. Willett,
Ben. F. Gardner,	J. P. O'Meara,	R. B. Wilson—43.
J. P. Gay,		

The Journal of yesterday was approved.

The committees, to whom the same had been referred, reported bills and a resolution of the following titles, viz:

By Mr. Peak—

S. B. 244. An act to amend subsection 4 of section 51 of the Civil Code of Practice.

By Mr. Bass, from the Committee on Internal Improvements—

S. B. 245. An act concerning turnpike road bonds issued or to be issued under laws heretofore enacted, and taxes to be levied to pay the same.

By Mr. Bass, from same committee—

H. B. 538. A bill requiring railroad corporations and other persons operating and controlling railroads, and land-owners, to enclose their right of way and railroad track, and to construct barriers and cattle-guards at certain public crossings, and to maintain and keep the same in repair, and prescribing remedies and penalties for failing to do so.

By Mr. Caudill, from the Committee on Geological Survey—

S. Resolution 59. Resolution providing a curator for the cabinet and other property of the Geological Survey.

Said bills and resolution were severally read the first time, ordered to be printed, and read the second time on another day.

Mr. Stephenson, from the Committee on Judiciary, to whom the same had been recommitted, reported H. B. 67, entitled

A bill to appropriate money to pay for completing the buildings of the Kentucky Institution for the Education and Training of Feeble-minded Children,

With the following additional report in writing, viz:

To the House of Representatives:

Your Committee on the Judiciary wish to make the following additional report on House bill No. 67, furnishing further information in reference to the cost of erection and expenditures for the Kentucky Institution for the Education and Training of Feeble-minded Children, which the committee has, since making its formal report, received from the management of said institution.

When the said institution was consumed by fire in 1889 (May 3), the inmates of the institution were provided with tem-

porary accommodation at a cost of one hundred dollars per month. Arrangements were immediately made for the construction of a frame building, which cost \$6,000, and which was occupied by the children from August 3d, 1889, until the completion of a new building.

The trustees of the institution had as available assets just after the fire, for the construction of new buildings, \$2,000 cash in the Treasury, \$28,000 insurance, and the old brick (valued at \$4,000). After expending \$6,000 for the erection of the frame building before mentioned, there remained \$24,000 in money in the Treasury, and the old brick saved from the fire. With these assets the trustees erected the new building and covered it in, so that it would house the children under charge of the institution; but the building was unfinished and not heated.

The Legislature of 1889-'90, by a law approved February 20, 1890, appropriated the sum of \$20,000 to finish and furnish the building, \$9,546.47 to be used for completion of the building (plastering, carpenter's work, etc.), \$10,500 for the necessary furniture, heating apparatus and gas fixtures in said institution. An itemized statement of the expenditures made under and by virtue of said appropriation is appended hereto, marked "Exhibit C."

Various additions and changes were made in the plans and specifications of the building as contracted for (among which was fitting up and utilizing the fourth story, making room for thirty additional children), and, upon a final settlement, the contractor, Mr. Mike Buckley, claimed about \$12,000 above the contract price, for the "additions and changes" made as before mentioned. By arbitration this sum was reduced to \$8,000, which it was decided was due to said contractor. Over \$2,000 of this amount has been paid by the management of the institution, leaving a balance of \$5,977.46 for which judgment was rendered, as heretofore mentioned, against the Commissioners of the Kentucky Institution for the Education and Training of Feeble-Minded Children, upon which execution could be issued at any time after ten days from the date of rendition of the judgment (November 15, 1892).

EXHIBIT "C."

A statement of the expenditure of the appropriation made by the Legislature of 1889 and 1890 for the Kentucky Institution for the Education and Training of Feeble-minded Children :

J. T. Buckley, heating	\$3,922 00
J. T. Buckley, gas fixtures	450 00
Mammoth Furniture House, furniture	4,984 40
J. L. Rodman, curtains	52 00
M. Buckley, shutters	1,091 60
M. Buckley, work on new building	6,813 48
Fred. Zopff, superintendent work on new building	381 42
Treasurer of Institute, for money paid out of regular fund, for work done on new building	2,361 57
	<u>\$20,056 47</u>

This statement is compiled from accounts, the receipts of which are filed with the Auditor of the State of Kentucky.

Respectfully,

MARY PAGE,

Secretary Board of Commissioners.

Ordered, That said bill be placed in the orders of the day.

A message was received from the Senate, asking the appointment of a Committee of Conference, to take into consideration the disagreement between the two Houses on H. B. 258, entitled

An act to establish a State Board of Pharmacy, describing its duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky.

Ordered, That said committee be appointed.

Whereupon the Speaker appointed Messrs. Mathers, Peak and Ayres as said committee.

Mr. Halbert introduced H. B. 563, entitled

A bill prescribing penalties against railroads, steamboats, and other common carriers, for giving free passes and selling at reduced rates, not common to the public, tickets for transportation, to State, district, city, town and county officers, members of the General Assembly and Judges, and to prohibit such persons and officers from accepting and using such tickets or transportation ; referred to the Committee on General Statutes.

Mr. Edmiston, from the Committee on Legislative Districts, reported S. B. 248, entitled

An act to amend an act, entitled "An act to divide the State into one hundred Representative Districts."

Said bill was read the first time.

Mr. Kirk moved to refer said bill to the Committee on Judiciary, with instructions to report upon its constitutionality.

Said motion was adopted.

A message was received from the Senate announcing that they had agreed to the report of the Committee of Conference appointed to take into consideration the differences between the two Houses on said bill, and had passed the same as amended.

Mr. Hart, from the Committee of Conference, on the part of the House, submitted the following report, viz :

The Committee of Conference, appointed to take into consideration the differences between the two Houses on S. B. 224, entitled "An act to divide the State into thirty-eight Senatorial Districts," beg leave to report that they have agreed to recommend the accompanying bill as a substitute for said bill 224,

Respectfully submitted,

Senate Committee.

D. L. MAY,
A. H. HARGIS,
JOHN M. GALLOWAY.

House Committee.

R. K. HART,
D. H. SEVERS,
J. R. THOMAS.

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The State of Kentucky is hereby divided into thirty-eight Senatorial Districts, as follows, to wit :

The First District shall be composed of the counties of Hickman, Fulton and Graves.

Second District of the counties of McCracken, Marshall, Ballard and Carlisle.

Third District of the counties of Lyon, Livingston, Calloway and Trigg.

Fourth District of the counties of Caldwell, Crittenden and Webster.

Fifth District of the counties of Henderson and Union.

Sixth District of the counties of Christian and Hopkins.

Seventh District of the counties of Ohio, Muhlenberg and Butler.

Eighth District of the counties of Daveiss and McLean.

Ninth District of the counties of Logan, Simpson and Todd.

Tenth District of the counties of Breckinridge, Hancock and Meade.

Eleventh District of the counties of Warren, Allen and Edmonson.

Twelfth District of the counties of Hardin, Bullitt and Grayson.

Thirteenth District of the counties of Hart, LaRue and Green.

Fourteenth District of the counties of Nelson, Shelby and Spencer.

Fifteenth District of the counties of Marion, Washington and Taylor.

Sixteenth District of the counties of Clinton, Cumberland, Adair, Russell and Wayne.

Seventeenth District of the counties of Laurel, Pulaski, Whitely, Knox, Bell, Jackson and Rockcastle.

Eighteenth District of the counties of Lincoln, Boyle, Garrard and Casey.

Nineteenth District of the counties of Barren, Metcalfe and Monroe.

Twentieth District of the counties of Anderson, Franklin and Mercer.

Twenty-first District of the counties of Henry, Oldham, Trimble and Carroll.

Twenty-second District of the counties of Woodford Scott and Jessamine.

Twenty-third District of the counties of Gallatin, Boone and Owen.

Twenty-fourth District of the county of Kenton.

Twenty-fifth District of the county of Campbell.

Twenty-sixth District of the counties of Bracken, Pendleton and Grant.

Twenty-seventh District of the county of Fayette.

Twenty-eighth District of the counties of Bourbon, Clark and Montgomery.

Twenty-ninth District of the counties of Madison, Estill, Powell and Lee.

Thirtieth District of the counties of Nicholas, Harrison and Robertson.

Thirty-first District of the counties of Mason and Lewis.

Thirty-second District of the counties of Boyd, Greenup, Lawrence and Elliott.

Thirty-third District of the counties of Perry, Letcher, Clay, Harlan, Floyd, Pike, Knott, Martin and Johnson.

Thirty-fourth District of the counties of Magoffin, Breathitt, Morgan, Wolfe and Owsley.

Thirty-fifth District of the counties of Rowan, Bath, Fleming, Carter and Menefee.

Thirty-sixth District of the First Senatorial District of the county of Jefferson, embracing the territory outside of the cor-

porate limits of the city of Louisville, and the first and second wards of said city.

Thirty-seventh District of the Second Senatorial District of the county of Jefferson, embracing the third, fourth, fifth, sixth and seventh wards of the city of Louisville.

Thirty-eighth District of the Third Senatorial District of the county of Jefferson, embracing the eighth, ninth, tenth, eleventh and twelfth wards of the city of Louisville.

§ 2. If any new county shall be created before the next apportionment of representation, it shall for the purpose of representation, be considered as part of the district from which the greater part of its territory was taken.

§ 3. At the general election in the year 1893 one Senator shall be elected in each of said districts. The Senators then elected shall hold their offices, one-half for two years and one-half for four years, as shall be determined by lot at the first session of the General Assembly after their election. Every two years thereafter there shall be elected for four years one Senator in each Senatorial District in which the term of his predecessor in office will then expire.

§ 4. By reason of the constitutional provision that an election shall be held under this apportionment at the regular election in 1893, an emergency is hereby declared to exist for the immediate taking effect of this act, and, therefore, it shall take effect from its approval by the Governor.

Said report was concurred in, and the substitute adopted.

Said bill, as amended, was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	W. F. Peak,
Lewis Alexander, Sr.,	J. P. Gay,	J. A. Perkins.
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	E. M. Pryse,
Posey D. Ball,	Thos. H. Hanks,	A. T. Pullen,
John Bartman,	U. G. Harlow,	C. D. Reed,
John T. Bashaw,	A. L. Harned,	R. M. Roberts,
R. F. Bass,	R. K. Hart,	D. H. Severs,
B. T. Birkhead,	H. K. Hay,	Waller Sharp,
John Botts,	P. R. Hays,	S. H. Shouse,
A. J. Carroll,	B. B. Hensley,	Fenton Sims,
R. F. Comer,	F. W. Hutcheson,	C. C. Spalding,
L. J. Cox,	Daniel James,	W. W. Stephenson,
J. M. Dawson, Jr.,	R. M. Kincheloe,	W. R. Stewart,
James R. Dean,	Henry Kremer,	J. R. Summers,
E. M. Dickson,	William Krieger,	Lewis E. Thomas,

J. E. Durham,	H. P. Lively,	N. S. Walton,
D. B. Edmiston,	W. H. May,	J. H. Welch,
McD. Ferguson,	Hiram McElroy,	H. P. Whitaker,
John Finn,	Eli Nicholls,	B. F. Willett,
J. M. Frazee,	J. P. O'Meara,	John D. Woods—63.

Those who voted in the negative, were—

P. S. Bruner,	Geo. T. Halbert,	John S. May,
Polk Cansler,	W. J. Hissem,	J. F. Porter,
B. E. Caudill,	J. S. Joplin,	J. R. Thomas,
J. S. Cullen,	T. S. Kirk,	John M. Tinsley—12.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day bills of the following titles, viz:

H. B. 557. A bill to enable incorporated colleges and universities located in this Commonwealth to establish adjunct schools and colleges.

H. B. 559. A bill to empower the Enrolling Committee of the General Assembly to employ assistance in case of necessity, and providing pay for such services.

Said bills were severally read the second time.

Mr. Carroll called up a motion, heretofore entered by him, to reconsider the vote by which the House rejected H. B. 541, entitled

A bill to promote the study of medicine and surgery in the Commonwealth of Kentucky.

Said motion was adopted.

Said bill was passed.

[*See Bill in House Journal May 27, 1893.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Harvey Myers,
Lewis Alexander, Sr.,	S. M. Gough,	J. P. O'Meara,
W. W. Ayres,	Geo. T. Halbert,	W. F. Peak,
Posey D. Ball,	Thos. H. Hanks,	E. M. Pryse,

John Bartman,	A. L. Harned,	A. T. Pullen,
R. F. Bass,	H. K. Hay,	C. D. Reed,
B. T. Birkhead,	P. R. Hays,	D. H. Severs,
John Botts,	W. J. Hissem,	Waller Sharp,
P. S. Bruner,	F. W. Hutcheson,	S. H. Shouse,
A. J. Carroll,	Daniel James,	C. C. Spalding,
L. J. Cox,	J. S. Joplin,	W. W. Stephenson,
James R. Dean,	T. S. Kirk,	Lewis E. Thomas,
E. M. Dickson,	Henry Kremer,	John M. Tinsley,
D. B. Edmiston,	William Krieger,	N. S. Walton,
George Will. Follis,	W. H. May,	J. H. Welch,
J. M. Frazee,	John S. May,	John D. Woods—50.
Ben. F. Gardner,	Hiram McElroy,	

Those who voted in the negative, were—

John T. Bashaw,	J. C. Glenn,	Thos. S. Pettit,
Polk Cansler,	U. G. Harlow,	J. F. Porter,
B. E. Caudill,	B. B. Hensley,	Fenton Sims,
R. F. Comer,	H. P. Lively,	W. R. Stewart,
J. S. Cullen,	Eli Nicholls,	J. R. Thomas,
McD. Ferguson,	J. A. Perkins,	D. W. Tribble—19.
John Finn,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, asking the appointment of a committee on the part of the House, to act with a like committee on the part of the Senate, to wait upon the Governor and ask the withdrawal from his hands of S. B. 230, entitled

An act for the government of cities of the fourth class.

Ordered, That said committee be appointed.

Whereupon the Speaker appointed Mr. Frazee as said committee.

After a time the committee returned, reported that it had discharged the duty assigned it, and that said bill had been returned to the Senate.

A message was received from the Senate, asking the withdrawal from the hands of the Enrolling Clerk of S. B. 225, entitled

An act for the government of cities of the fifth class.

Ordered, That said bill be so withdrawn and returned to the Senate.

Said bill was returned to the Senate.

Mr. Hart called up the motion, heretofore entered by him, to reconsider the vote by which the House rejected S. B. 188, entitled

An act relating to and providing for a Court of Appeals.

Said motion was adopted.

Mr. Harlow moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was adopted.

Mr. Harlow moved to reconsider the vote by which the amendment, heretofore moved by him, and adopted, placing Barren county in the second district, was adopted.

Said motion was adopted.

The question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Harned and O'Meara, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will Follis,	J. P. O'Meara,
John T. Bashaw,	Wm. Garrison,	J. F. Porter,
R. F. Bass,	S. M. Gough,	A. T. Pullen,
John Botts,	U. G. Harlow,	R. E. Roberts,
Polk Cansler,	A. L. Harned,	C. C. Spalding,
R. F. Comer,	R. K. Hart,	Lewis E. Thomas,
J. M. Dawson, Jr.,	P. R. Hays,	John M. Tinsley,
J. E. Durham,	C. W. Mathers,	N. S. Walton,
D. B. Edmiston,	John S. May,	J. H. Welch,
McD. Ferguson,	Eli Nicholls,	John D. Woods—31.
John Finn,		

Those who voted in the negative, were—

Lewis Alexander, Sr.,	J. C. Glenn,	Thos. S. Pettit,
W. W. Ayres,	Thos. H. Hanks,	E. M. Pryse,
W. S. Bailey,	B. B. Hensley,	I. M. Quigley,
Posey D. Ball,	W. J. Hissem,	C. D. Reed,
John Bartman,	F. W. Hutcheson,	D. H. Severs,
B. T. Birkhead,	Daniel James,	Waller Sharp,
A. J. Carroll,	R. M. Kincheloe,	S. H. Shouse,
L. J. Cox,	T. S. Kirk,	Fenton Sims,
J. S. Cullen,	Henry Kremer,	W. W. Stephenson,
James R. Dean,	William Krieger,	W. R. Stewart,
E. M. Dickson,	W. H. May,	J. R. Summers,
J. M. Frazee,	Hiram McElroy,	J. R. Thomas,
Ben. F. Gardner,	Harvey Myers,	H. P. Whitaker—39.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed.

[See *Bill in House Journal June 2, 1893.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	J. P. O'Meara,
Lewis Alexander, Sr.,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	E. M. Pryse,
Posey D. Ball,	Thos. H. Hanks,	I. M. Quigley,
John Bartman,	U. G. Harlow,	C. D. Reed,
R. F. Bass,	A. L. Harned,	R. E. Roberts,
B. T. Birkhead,	R. K. Hart,	D. H. Severs,
John Botts,	H. K. Hay,	Waller Sharp,
A. J. Carroll,	B. B. Hensley,	Fenton Sims,
B. E. Caudill,	W. J. Hissem,	C. C. Spalding,
L. J. Cox,	Daniel James,	W. W. Stephenson,
J. M. Dawson, Jr.,	R. M. Kincheloe,	Lewis E. Thomas,
E. M. Dickson,	Henry Kremer,	D. W. Tribble,
D. B. Edmiston,	William Krieger,	J. H. Welch,
John Finn,	W. H. May,	H. P. Whitaker,
Geo. Will. Follis,	Hiram McElroy,	B. F. Willett,
J. M. Frazee,	Harvey Myers,	John D. Woods—52.
Ben. F. Gardner,		

Those who voted in the negative, were—

W. W. Ayres,	P. R. Hays,	J. A. Perkins,
John T. Bashaw,	F. W. Hutcheson,	J. F. Porter,
P. S. Bruner,	J. S. Joplin,	A. T. Pullen,
Polk Cansler,	T. S. Kirk,	S. H. Shouse,
R. F. Comer,	H. P. Lively,	W. R. Stewart,
J. S. Cullen,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	John S. May,	John M. Tinsley,
McD. Ferguson,	Eli Nicholls,	N. S. Walton—26.
Geo. T. Halbert,	W. F. Peak,	

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day S. B. 226, entitled

An act to provide for the more perfect and uniform indexing of public records in counties of this Commonwealth having a population of seventy-five thousand or more.

The substitute heretofore moved for said bill by the committee was rejected.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That in each and every county within this Commonwealth, having a population of seventy-five thousand or more and constituting of itself a separate judicial district, the judges of the circuit and county courts shall, in the month of January, 1895, and in the same month every three years thereafter, appoint an official indexer of the public records in such county, some competent person, who shall possess the same qualifications of eligibility as a clerk of the county court, and whose term of office shall begin on the first Monday in February following his appointment, and expire on the first Monday in February three years thereafter, subject, however, to removal at any time by the judges of the aforesaid courts for incompetency or neglect of duty.

§ 2. It shall be the duty of such indexer, subject to order of the various courts of his county, to compile general cross-indexes to the records of such courts, and to the records contained in the offices of the clerks thereof, arranging alphabetically the surnames of the parties in interest appearing upon the said records, according to their initial letters and the arrangement of the various vowels and consonants therein, the accuracy and acceptability of which general indexes shall be passed upon respectively by the court ordering the same.

§ 3. Said indexer, before entering upon the discharge of his duties, shall take the constitutional oath of office, and execute bond, with surety, in the sum of \$25,000, to be renewed annually, for the faithful and accurate performance of his duties, said bond to be approved by the circuit court of his county, and upon which he shall be liable to any person or persons sustaining damage or loss by reason of errors or omissions made by himself or his assistant in such indexes as may be compiled by him under the provisions of this act.

§ 4. The official indexer, appointed as provided in section 1 of this act, shall receive as compensation for his services a salary of \$3,000 per annum, and may, with the consent and approval of the circuit and county courts of his county, appoint two assistants, one of whom shall receive a salary of \$1,200 per annum, and the other a salary of \$900 per annum, all of which salaries shall be allowed by the fiscal court of such county, and paid monthly out of the funds as may be available for the payment of fees and salaries of county officers.

§ 5. The office of indexer in counties of the class referred to in section one of this act shall be incompatible with any other public office.

§ 6. The official indexer shall be provided with suitable desk-room in the office of the clerk of each of the courts, and may at any time, unless by the consent of the court, entered upon the minutes thereof, remove any of the records from the office in which they belong.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	William Krieger,
Lewis Alexander, Sr.,	Wm. Garrison,	W. H. May,
W. W. Ayres,	Ben. F. Gardner,	E. M. Pryse,
W. S. Bailey,	J. P. Gay,	A. T. Pullen,
John Bartman,	J. C. Glenn,	C. D. Reed,
R. F. Bass,	S. M. Gough,	R. E. Roberts,
John Botts,	U. G. Harlow,	D. H. Severs,
Polk Cansler,	A. L. Harned,	Waller Sharp,
A. J. Carroll,	R. K. Hart,	W. W. Stephenson,
L. J. Cox,	H. K. Hay,	J. R. Summers,
J. M. Dawson, Jr.,	B. B. Hensley,	John M. Tinsley,
James R. Dean,	F. W. Hutcheson,	N. S. Walton,
E. M. Dickson,	Daniel James,	H. P. Whitaker,
D. B. Edmiston,	T. S. Kirk,	B. F. Willett—44.
George Will. Follis,	Henry Kremer,	

Those who voted in the negative, were—

John T. Bashaw,	H. P. Lively,	W. F. Peak,
McD. Ferguson,	C. W. Mathers,	S. H. Shouse,
John Finn,	Hiram McElroy,	Fenton Sims,
Geo. T. Halbert,	Eli Nicholls,	C. C. Spalding—13.
P. R. Hays,		

The House took from the orders of the day H. B. 558, entitled

A bill to amend section 15 of chapter 7 of an act relating to revenue and taxation.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That section 15 of article 7 of an act, entitled "An act relating to revenue and taxation," which became a law on the eleventh day of November, 1892, be so amended as to read as follows : "§ 15. All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of March after the assessment ; and the sheriff or collector of the State revenue in each county of

this Commonwealth shall, on the first day of May, and every sixty days thereafter, under oath, report to the Auditor of Public Accounts the amount of taxes he has collected, and pay the same immediately, and shall account for and pay all taxes for which he is bound into the State Treasury by the first day of February following; and upon his failure to do so, he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any person or persons failing to pay their taxes by the first day of December in the year following the assessment of such taxes, shall pay six per cent. additional on the tax so due and unpaid. Any sheriff failing to report as hereinafter required shall be liable to indictment in the Franklin Circuit Court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense; and it shall be the duty of the Auditor to report to the grand jury of Franklin county, at the next term of said court after such failure to report, the name of such sheriff so failing to report. The sheriff shall be required by the Auditor to pay a penalty of six per cent. on all taxes due and unpaid by him on the first day of February in each year. The Auditor, in his settlement with the sheriff, shall charge him with the several penalties accruing under the provisions of this section."

§ 2. This act shall not affect the general revenue act, of which this is an amendment, except for the year 1893, and so much of 1894 as includes the revenue raised from the assessment of 1893, and to this end an emergency is declared, for the reason that the sheriffs are many months behind in their collections of State revenue on account of not receiving their tax-books before July, therefore this act shall take effect when approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Wm. Garrison,	W. F. Peak,
W. W. Ayres,	Ben F. Gardner,	J. A. Perkins,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,
John T. Bashaw,	S. M. Gough,	E. M. Pryse,
R. F. Bass,	Geo. T. Halbert,	A. T. Pullen,
B. T. Birkhead,	Thos. H. Hanks,	C. D. Reed,
John Botts,	U. G. Harlow,	R. E. Roberts,
P. S. Bruner,	A. L. Harned,	D. H. Severs,
Polk Cansler,	R. K. Hart,	S. H. Shouse,
A. J. Carroll,	B. B. Hensley,	C. C. Spalding,
B. E. Caudill,	F. W. Hutcheson,	W. R. Stewart,
R. F. Comer,	Daniel James,	J. R. Summers,

L. J. Cox,
J. S. Cullen,
J. M. Dawson, Jr.,
James R. Dean,
E. M. Dickson,
D. B. Edmiston,
McD. Ferguson,
John Finn,

J. S. Joplin,
T. S. Kirk,
Henry Kremer,
William Krieger,
H. P. Lively,
C. W. Mathers,
W. H. May,
Hiram McElroy,

J. R. Thomas,
John M. Tinsley,
D. W. Tribble,
N. S. Walton,
H. P. Whitaker,
B. F. Willett,
John D. Woods—62.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the House adjourned.

THURSDAY, JUNE 8, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	J. M. Frazee,	W. F. Peak,
Lewis Alexander, Sr.,	Wm. Garrison,	J. A. Perkins,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
John T. Bashaw,	Geo. T. Halbert,	E. M. Pryse,
R. F. Bass,	Thos. H. Hanks,	A. T. Pullen,
B. F. Bennett,	U. G. Harlow,	C. D. Reed,
B. T. Birkhead,	A. L. Harned,	D. H. Severs,
John Botts,	H. K. Hay,	S. H. Shouse,
P. S. Bruner,	P. R. Hays,	C. C. Spalding,
Polk Cansler,	B. B. Hensley,	W. W. Stephenson,
B. E. Caudill,	W. J. Hissem,	W. R. Stewart,
R. F. Comer,	W. W. Johnson,	J. R. Summers,
L. J. Cox,	J. S. Joplin,	Lewis E. Thomas,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,
J. M. Dawson, Jr.,	T. S. Kirk,	John M. Tinsley,
James R. Dean,	William Krieger,	D. W. Tribble,
J. E. Durham,	H. P. Lively,	N. S. Walton,

D. B. Edmiston,	C. W. Mathers,	J. H. Welch,
McD. Ferguson,	John S. May,	B. F. Willett,
John Finn,	Hiram McElroy,	John D. Woods—65.
George Will. Follis.	Eli Nicholls,	

The following members were absent, viz :

T. J. Arnett,	R. K. Hart,	John Lee Payne,
Posey D. Ball,	Berry Howard,	Granville Philpot,
John Bartman,	F. W. Hutcheson,	I. M. Quigley,
W. P. Beard,	Daniel James,	R. E. Roberts,
A. J. Carroll,	Henry Kremer,	John Ryan,
A. H. Charlton,	Lewis Y. Leavell,	Waller Sharp,
F. P. Combest,	John M. Letterle,	Fenton Sims,
Will J. Cox,	W. H. May,	Samuel O. Tate,
Wesley Crow,	M. D. McInerney,	H. P. Whitaker,
E. M. Dickson,	Harvey Myers,	Geo. E. Willett,
Ben. F. Gardner,	W. F. Neat,	R. B. Wilson—35.
J. P. Gay,	J. P. O'Meara,	

The Journal of yesterday was approved.

Mr. Pettit presented the petition of Mrs. Josephine K. Henry of Woodford county, which was read and referred to the Committee on Judiciary.

Mr. Hanks, from the Committee on Judiciary, reported S. B. 248, entitled

An act to amend an act, entitled "An act to divide the State into one hundred Representative Districts."

The question being taken on ordering said bill to be read the second time, it was decided in the negative.

Mr. Hart entered a motion to reconsider the vote by which the House refused to order said bill to be read the second time.

Mr. Hay, from the Committee on Education, reported H. B. 562, entitled

A bill to provide for the levy and collection of a tax in certain common school districts to pay off indebtedness incurred by the trustees of such school districts in erecting and furnishing school-houses.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. McElroy called up the resolution, heretofore introduced by him, to repeal the rule of the House requiring a call of the roll each morning.

Said resolution was rejected.

The yeas and nays being required thereon by a rule of the House, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	J. P. O'Meara,
W. W. Ayres,	J. P. Gay,	W. F. Peak,
W. S. Bailey,	Geo. T. Halbert,	J. A. Perkins,
John Bartman,	A. L. Harned,	J. F. Porter,
R. F. Bass,	R. K. Hart,	A. T. Pullen,
B. F. Bennett,	B. B. Hensley,	C. D. Reed,
Polk Cansler,	W. J. Hissem,	D. H. Severs,
A. J. Carroll,	W. W. Johnson,	Waller Sharp,
B. E. Caudill,	T. S. Kirk,	Fenton Sims,
J. S. Cullen,	William Krieger,	C. C. Spalding,
D. B. Edmiston,	C. W. Mathers,	D. W. Tribble,
J. M. Frazee,	Hiram McElroy,	B. F. Willett—36.

Those who voted in the negative, were—

Mr. Speaker (Moore),	George Will. Follis,	Eli Nicholls,
B. T. Birkhead,	J. C. Glenn,	S. H. Shouse,
John Botts,	S. M. Gough,	W. R. Stewart,
P. S. Bruner,	H. K. Hay,	J. R. Summers,
R. F. Comer,	P. R. Hays,	J. R. Thomas,
J. M. Dawson, Jr.,	F. W. Hutcheson,	John M. Tinsley,
J. E. Durham,	Daniel James,	N. S. Walton,
McD. Ferguson,	R. M. Kincheloe,	John D. Woods—26.
John Finn,	John S. May,	

The House took from the orders of the day the following bills, viz:

S. B. 245. An act concerning turnpike road bonds issued or to be issued under laws heretofore enacted, and taxes to be levied to pay the same.

S. B. 247. An act to amend an act to regulate the running at large of stock, approved May 16, 1893, and declaring an emergency.

H. B. 561. A bill authorizing the Public Printer to print one thousand copies of certain city charters.

Said bills were severally read the second time by their titles,

The constitutional provision as to the second reading of said bills being dispensed with.

The House took from the orders of the day H. Resolution 103, entitled

Resolution to provide for collating, compiling, classifying, arranging, indexing and editing the general statutory laws of this Commonwealth.

Said resolution was read as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky: 1. That the Speaker of the House is hereby authorized and directed to appoint three suitable members of the House, and the President of the Senate is authorized and directed to appoint two suitable Senators, and that said appointees shall constitute a Joint Committee of the General Assembly, and that it shall be the duty of said committee, after the *sine die* adjournment of this session of the General Assembly, and before the convening of the next, to collate, compile, classify, index, codify and edit the general laws of this Commonwealth, which may be in force at the time of the adjournment, together with and including all laws of a general nature enacted at this session, and which have been signed by the Governor, and also all that may have gone into effect without his approval, and all other general statutory laws that have not been repealed by the General Assembly directly or by necessary implication.

2. That said committee is authorized, and it shall be its duty, to meet in the city of Frankfort at as early a date as practicable after the aforesaid adjournment and enter upon the duties assigned it. The committee shall have access to the State Library and the office of the Secretary of State, and all other public offices, at all seasonable times, for the purpose of obtaining information necessary to the discharge of its duties, and it shall be the duty of the Secretary of State and the State Librarian to furnish said committee with such laws or copies of laws, or books or papers, as may be in their respective offices, to enable the committee to intelligently perform its work. The Librarian shall furnish said committee with all the stationery necessary in the performance of the work assigned it, and also furnish a suitable room for said committee, and said stationery shall be paid for as stationery furnished to the several departments of the State Government is.

3. The members of said committee shall each receive five dollars per day for their services for the time they are actually engaged in said work at the city of Frankfort, and the same mileage as members of the General Assembly receive, but shall receive only one mileage, the per diem and mileage to be paid in same way as it is paid to the members of the Legislature, except the chairman of the committee shall certify the amount and mileage. The committee may employ one clerk at a cost not to exceed five dollars per day, to be paid in the same manner as all members of the committee. The committee shall have no power to alter or revise any law, or to change or modify the meaning thereof, and shall report all its compilation and codification to

the next General Assembly immediately after its assembling, or as soon thereafter as possible, to be ratified and adopted. The Librarian shall furnish said committee with all necessary stationery, and also a suitable room for transacting said work in, free of cost to the committee. When said committee has completed the work as herein directed, it shall turn same over to the Public Printer, and have same printed and bound in one or more convenient volumes, and shall be known as the Revised General Statutes of Kentucky, and same shall be the authenticate statutory laws of this Commonwealth.

The following substitute, heretofore proposed by the Committee on the Judiciary, was read, viz :

Be it resolved by the General Assembly of the Commonwealth of Kentucky: 1. That the Speaker of the House is hereby authorized and directed to appoint three suitable members of the House, and the President of the Senate is authorized and directed to appoint two suitable Senators, and that said appointees shall constitute a joint committee of the General Assembly, and that it shall be the duty of said committee, after the *sine die* adjournment of this session of the General Assembly, and before the convening of the next, to collate, compile, classify, index, codify and edit the general laws of this Commonwealth which may be in force at the time of the adjournment, together with and including all laws of a general nature enacted at this session, and which have been signed by the Governor, and also all that may have gone into effect without his approval, and all other general statutory laws that have not been repealed by the General Assembly directly or by necessary implication.

2. That said committee is authorized and it shall be its duty to meet in the city of Frankfort at as early a date as practicable after aforesaid adjournment, and enter upon the duties assigned it. The committee shall have access to the State Library and the office of the Secretary of State, and all other public offices, at all seasonable times, for the purpose of obtaining information necessary to the discharge of its duties ; and it shall be the duty of the Secretary of State and the State Librarian to furnish said committee with such laws or copies of laws or books or papers as may be in their respective offices, to enable the committee to intelligently perform its work. The Librarian shall furnish said committee with all stationery necessary in the performance of the work assigned it, and also furnish a suitable room for said committee, and said stationery shall be paid for as stationery furnished to the several departments of the State government is.

3. The members of said committee shall each receive five dollars per day for their services for the time they are actually engaged in said work at the city of Frankfort, and the same

mileage as members of the General Assembly receive, but shall receive only one mileage, the per diem and mileage to be paid in same way as it is paid to the members of the Legislature, except the chairman of the committee shall certify the amount and mileage. The committee may employ one clerk, at a cost not to exceed five dollars per day, to be paid in the same manner as are members of the committee. The committee shall have no power to alter or revise any law, or to change or modify the meaning thereof. When said committee has completed the work as herein directed, it shall turn same over to the Public Printer, and have same printed and bound in one or more convenient volumes, which shall be known as the "Revised General Statutes" of Kentucky, and same shall be the authentic statutory laws of this Commonwealth.

Mr. Hanks moved to amend the substitute by striking out of line 5 the word "two," and inserting in lieu thereof the word "three."

Said amendment was rejected.

Mr. Hay moved to amend the substitute by striking out of line three the word "three," and inserting in lieu thereof the word "two."

Said amendment was adopted.

Mr. Sims moved to amend the substitute by inserting an emergency clause, as follows, viz:

The necessity for the immediate collation and publication and indexing of the general statutory laws being great, an emergency is declared to exist, and does exist; therefore this resolution shall go into effect when approved by the Governor

Said amendment was adopted.

Mr. Garrison moved to amend said substitute by adding after the word "Senators," in line 5, the words "learned in the law;" also add same words after the word "House," in line 4.

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Garrison and Hutcheson, were as follows, viz:

Those who voted in the affirmative, were—

W. W. Ayres,	U. G. Harlow,	W. R. Stewart,
Polk Cansler,	F. W. Hutcheson,	J. R. Summers,
R. F. Comer,	T. S. Kirk,	Lewis E. Thomas,
L. J. Cox,	H. P. Lively,	J. R. Thomas,
J. M. Dawson, Jr.,	John S. May,	J. H. Welch,
George Will. Follis,	D. H. Severs,	John D. Woods—20.
J. C. Glenn,	Waller Sharp,	

Those who voted in the negative, were—

Lewis Alexander, Sr.,	J. P. Gay,	William Krieger,
W. S. Bailey,	S. M. Gough,	Hiram McElroy,
R. F. Bass,	Thos. H. Hanks,	Eli Nicholls,
B. T. Birkhead,	A. L. Harned,	J. P. O'Meara,
P. S. Bruner,	R. K. Hart,	Thos. S. Pettit,
B. E. Caudill,	H. K. Hay,	J. F. Porter,
J. S. Cullen,	P. R. Hays,	E. M. Pryse,
J. E. Durham,	B. B. Hensley,	A. T. Pullen,
D. B. Edmiston,	W. J. Hissem,	C. D. Reed,
McD. Ferguson,	Daniel James,	S. H. Shouse,
John Finn,	J. S. Joplin,	Fenton Sims,
J. M. Frazee,	R. M. Kincheloe,	John M. Tinsley,
Ben. F. Gardner,	Henry Kremer,	N. S. Walton—39.

Mr. McElroy moved to amend said substitute by adding to section 3 the following: "*Provided*, The committee shall be limited to ninety days in which to perform the work assigned them."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. McElroy and Sims, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	J. S. Joplin,	Thos. S. Pettit,
Polk Cansler,	H. P. Lively,	J. F. Porter—8.
R. F. Comer,	Hiram McElroy,	

Those who voted in the negative, were—

Mr. (Speaker Moore),	Geo. T. Halbert,	J. A. Perkins,
Lewis Alexander, Sr.,	Thos. H. Hanks,	A. T. Pullen,
W. S. Bailey,	U. G. Harlow,	I. M. Quigley,
John Botts,	A. L. Harned,	C. D. Reed,
P. S. Bruner,	R. K. Hart,	D. H. Severs,
A. J. Carroll,	P. R. Hays,	Waller Sharp,
B. E. Candill,	B. B. Hensley,	S. H. Shouse,
L. J. Cox,	W. J. Hissem,	Fenton Sims,
J. S. Cullen,	F. W. Hutcheson,	C. C. Spalding,
J. M. Dawson, Jr.,	Daniel James,	W. W. Stephenson,
E. M. Dickson,	W. W. Johnson,	W. R. Stewart,
J. E. Durham,	R. M. Kincheloe,	J. R. Summers,
D. B. Edmiston,	Henry Kremer,	Lewis E. Thomas,
McD. Ferguson,	William Krieger,	J. R. Thomas,
John Finn,	C. W. Mathers,	John M. Tinsley,

J. M. Frazee,	John S. May,	N. S. Walton,
Wm. Garrison,	Eli Nicholls,	J. H. Welch,
Ben. F. Gardner,	J. P. O'Meara,	B. F. Willett,
J. P. Gay,	W. F. Peak,	John D. Woods—58.
J. C. Glenn,		

Said substitute was adopted.

Mr. Pettit moved to reconsider the vote by which said substitute was adopted, in order that the following substitute, heretofore moved by him, might be considered.

Said substitute was read as follows, viz :

Strike out all after the enacting clause, and insert :

1. That, immediately upon the adjournment of this General Assembly, the Commissioners appointed under section 245 of the Constitution are directed to at once proceed to arrange alphabetically, or by sections, all laws passed by this General Assembly, and such of the laws as now stand on the statute books as laws of this Commonwealth, and index the same. That as soon as arranged, the "Statutes of Kentucky" shall be let to the lowest and best bidder, under the supervision of the Governor, Auditor and Treasurer, to the lowest and best bidder for the printing, binding and delivery to the seat of government. That when so delivered, the Secretary of State shall deliver copies to all parties authorized to receive them, and deliver the residue to the Librarian, who is authorized to dispose of same to parties wishing to purchase, at a sum not exceeding 25 per cent. above the cost and carriage on each volume. That the number of copies to be printed shall be determined by the said Governor, Auditor and Treasurer.

2. An emergency is hereby declared ; the reason being a pressing demand for the said statute laws of the State ; therefore, this act shall take effect when approved by the Governor.

Said motion was rejected.

The yeas and nays being required thereon by Messrs. Pettit and Bailey, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	Thos. S. Pettit,
B. F. Bennett,	H. P. Lively,	E. M. Pryse,
P. S. Bruner,	John S. May,	Waller Sharp,
J. S. Cullen,	Hiram McElroy,	W. R. Stewart—12.

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. P. Gay,	J. P. O'Meara,
W. W. Ayres,	S. M. Gough,	W. F. Peak,

W. S. Bailey,	Geo. T. Halbert,	A. T. Pullen,
R. F. Bass,	Thos. H. Hanks,	I. M. Quigley,
John Botts,	U. G. Harlow,	C. D. Reed,
A. J. Carroll,	A. L. Harned,	S. H. Shouse,
L. J. Cox,	R. K. Hart,	Fenton Sims,
E. M. Dickson,	P. R. Hays,	C. C. Spalding,
J. E. Durham,	B. B. Hensley,	W. W. Stephenson,
D. B. Edmiston,	W. J. Hissem,	J. R. Summers,
McD. Ferguson,	F. W. Hutcheson,	Lewis E. Thomas,
John Finn,	Daniel James,	John M. Tinsley,
George Will. Follis,	W. W. Johnson,	N. S. Walton,
J. M. Frazee,	William Krieger,	J. H. Welch,
Ben. F. Gardner,	Eli Nicholls,	John D. Woods—45.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and passed, as amended above

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	W. F. Peak,
Lewis Alexander, Sr.,	J. P. Gay,	J. A. Perkins,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	E. M. Pryse,
R. F. Bass,	Geo. T. Halbert,	A. T. Pullen,
B. F. Bennett,	Thos. H. Hanks,	I. M. Quigley,
B. T. Birkhead,	U. G. Harlow,	C. D. Reed,
John Botts,	A. L. Harned,	D. H. Severs,
P. S. Bruner,	R. K. Hart,	Waller Sharp,
Polk Cansler,	H. K. Hay,	S. H. Shouse,
A. J. Carroll,	P. R. Hays,	Fenton Sims,
B. E. Caudill,	B. B. Hensley,	C. C. Spalding,
R. F. Comer,	W. J. Hissem,	W. W. Stephenson,
L. J. Cox,	F. W. Hutcheson,	W. R. Stewart,
J. S. Cullen,	Daniel James,	J. R. Summers,
J. M. Dawson, Jr.,	W. W. Johnson,	Lewis E. Thomas,
James R. Dean,	T. S. Kirk,	J. R. Thomas,
E. M. Dickson,	Henry Kremer,	John M. Tinsley,
J. E. Durham,	William Krieger,	D. W. Tribble,
D. B. Edmiston,	H. P. Lively,	N. S. Walton,
McD. Ferguson,	John S. May,	J. H. Welch,
John Finn,	Hiram McElroy,	B. F. Willett,
George Will. Follis,	Eli Nicholls,	John D. Woods—71.
Wm. Garrison,	J. P. O'Meara,	

In the negative—none.

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had passed bills as follows :

H. B. 165. An act fixing definitely the compensation of the Governor of this Commonwealth, and abolishing all incidental expenses attached to the office.

H. B. 490. An act to appropriate money for building or repairing shops in the State prison in the city of Frankfort, and providing for the execution of the work.

Mr. Gardner, from the Committee on Circuit Courts, reported H. B. 564, who originated the same, entitled

An act to provide for a board of joint commissioners, where for county governmental purposes a city is, by law, separated from the remainder of the county, and having public buildings, and incurring expenses in which both such city and county are jointly interested.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Krieger introduced H. Resolution 110, entitled

Resolution to remove and locate the seat of government ; referred to the Committee on Internal Improvements.

The House took a recess until 2 o'clock.

AFTERNOON SESSION.

The House met at 2 o'clock.

Mr. Speaker Moore in the chair.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the Senate, of the following titles, viz :

S. B. 210. An act for the government of cities of the third class ;

S. B. 213. An act relating to evidence ;

S. B. 238. An act to amend an act, entitled "An act to increase the efficiency of the Inspector of Mines, and more fully

provide for the protection of the lives and health of persons employed in the coal mines of this State," approved on the 13th day of January, 1893 ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign same to the end that they may become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time said Enrolling Clerk reported that he had performed that duty.

And then the House adjourned.

FRIDAY, JUNE 9, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. C. Glenn,	Hiram McElroy,
Lewis Alexander, Sr.,	S. M. Gough,	Eli Nicholls,
W. W. Ayres,	Geo. T. Halbert,	J. P. O'Meara,
W. S. Bailey,	Thos. H. Hanks,	W. F. Peak,
R. F. Bass,	U. G. Harlow,	J. A. Perkins,
B. F. Bennett,	A. L. Harned,	Thos. S. Pettit,
B. T. Birkhead,	P. R. Hays,	E. M. Pryse,
P. S. Bruner,	W. J. Hissem,	A. T. Pullen,
Polk Cansler,	F. W. Hutcheson,	C. D. Reed,
B. E. Caudill,	Daniel James,	S. H. Shouse,
R. F. Comer,	W. W. Johnson,	C. C. Spalding,
L. J. Cox,	J. S. Joplin,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	T. S. Kirk,	Lewis E. Thomas,

James R. Dean,	William Krieger,	J. R. Thomas,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley,
D. B. Edmiston,	H. P. Lively,	D. W. Tribble,
McD. Ferguson,	C. W. Mathers,	N. S. Walton,
George Will. Follis,	W. H. May,	B. F. Willett,
J. M. Frazee,	John S. May,	John D. Woods—61.
Wm. Garrison,		

The following members were absent, viz :

T. J. Arnett,	Ben. F. Gardner,	J. F. Porter,
Posey D. Ball,	J. P. Gay,	I. M. Quigley,
John Bartman,	R. K. Hart,	R. E. Roberts,
John T. Bashaw,	H. K. Hay,	John Ryan,
W. P. Beard,	B. B. Hensley,	D. H. Severs,
John Botts,	Berry Howard,	Waller Sharp,
A. J. Carroll,	Henry Kremer,	Fenton Sims,
A. H. Charlton,	Jno. M. Letterle,	W. W. Stephenson,
F. P. Combest,	M. D. McNerney,	Samuel O. Tate,
W. J. Cox,	Harvey Myers,	J. H. Welch,
Wesley Crow,	W. F. Neat,	H. P. Whitaker,
E. M. Dickson,	John Lee Payne,	Geo. E. Willett,
John Finn,	Granville Philpot,	R. B. Wilson—39.

The Journal of yesterday was approved.

The following bills were introduced and referred, viz :

By Mr. Alexander—

H. B. 565. A bill to amend section 1 of an act, entitled "An act creating fiscal courts in the several counties of this Commonwealth ;" referred to the Committee on Judiciary.

By Mr. O'Meara—

H. B. 566. A bill for the better protection and preservation of game in this Commonwealth ; referred to the Committee on Agriculture and Manufactures.

By same—

H. B. 567. A bill to establish the fish and game warden system in the State of Kentucky, and creating the offices of State fish and game warden, county fish and game warden and deputy county fish and game warden, and defining their duties and powers ; referred to the same committee.

By Mr. Birkhead—

H. B. 568. A bill to regulate tolls on turnpike, gravel and plank roads in this Commonwealth.

By Mr. Pullen—

H. B. 569. A bill defining grand and petit larceny, and fixing the punishment thereof; referred to Committee on General Statutes.

Mr. Bass, from the Committee on Internal Improvements, reported H. Resolution 110, entitled

Resolution to remove and locate the seat of government.

Said resolution was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Halbert, from the Committee on General Statutes, reported H. B. 563, entitled

A bill prescribing penalties against railroads, steamboats and other common carriers for giving free passes and selling at reduced rates, not common to the public, tickets for transportation to State, district, city, town and county officers, members of the General Assembly and judges, and to prohibit such persons from accepting and using such tickets or transportation.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

A message was received from the Senate, announcing that they had passed a bill and adopted a resolution, which originated in the House, of the following titles, viz:

H. B. 489. A bill to appropriate money to reimburse A. L. Harned for money expended in his contest.

H. Resolution 105. Resolution directing the Public Printer to print one thousand copies of the charter of the sixth class cities.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the Senate, of the following titles, viz:

S. B. 188. An act relating to and providing for a Court of Appeals;

S. B. 224. An act dividing the State into thirty-eight Senatorial Districts:

S. B. 226. An act to provide for the more perfect and uniform indexing of the public records in counties of this Commonwealth having a population of seventy-five thousand or more;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign the same to the end that they might become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

The House took from the orders of the day H. B. 509, entitled

A bill to levy and collect a license tax on dogs, to encourage wool-growers, and the suppression of hydrophobia in this Commonwealth,

Said bill was read as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That there is levied, and shall be collected annually, a license tax of one dollar on each male dog, and two dollars on each female dog over the age of six months in this Commonwealth, which dog or dogs shall be assessed against, and said tax collected from any person found to be the owner of, or in the possession of, or that may suffer any such dog or dogs to be harbored upon or about their premises or place of abode ; and all persons in this Commonwealth being the owner of, or in the possession of, or who may be harboring upon or about their premises, or premises in their possession or under their control, on the fifteenth day of September, in any year, any dog or dogs, male or female, over the age of six months, shall be required to list such dog or dogs with the assessor of their respective counties for taxation under this act.

§ 2. It shall be the duty of the Auditor of Public Accounts for this Commonwealth that hereafter, in preparing the blank lists for the use of the several county assessors, he shall prepare the same so that the assessor shall be required, as part of his duty under this act, to propound to each person assessed by them the following question : " How many dogs over the age of six months do you own, or have in your possession, or that is being harbored upon or about your premises, or the premises under your control or at your place of abode, and what is the sex of such dog or dogs ? " distinguishing between the number of male and female dogs ; and also prepare the affidavit to be signed and sworn to by the person to be assessed before listing their property, so that they will be required to state that he

or she will list for taxation all dogs over the age of six months that he or she is the owner of, or in his or her possession, or under his or her control, or that is being harbored upon or about his or her premises or place of abode; and also to prepare the affidavit to be signed and sworn to by the person assessed after they have given in their lists of property to the assessor for taxation, so that the tax-payers will be required to state that they have given in a true list of all the dogs over the age of six months of which they are the owner of, or have the possession of, or that is harbored upon or about their premises or place of abode.

§ 3. It shall be the duty of the several county assessors of this Commonwealth, at the same time that they are required by law to make assessment of the real and personal property of their respective counties for taxation for State and county revenue purposes, to also take and return a true list of all dogs found in their respective counties over the age of six months—male and female, under separate headings—showing the number of each, and the person to whom they belong, or have the possession of, or that may be harboring upon or about their premises or place of abode, any such dog or dogs, and make due return thereof in the same manner, and at the same time, as they are required by law to assess and return lists of real and personal property assessed by them for taxation for State and county revenue purposes.

§ 4. It shall be the duty of the several county court clerks of this Commonwealth in their respective counties, at the time they deliver to the sheriff of their respective counties the annual lists of real and personal property listed for taxation for State and county revenue purposes for collection, to see that the lists of all dogs listed for taxation and returned to the county court by the assessor of their respective counties are properly entered on said sheriff's tax-book for collection, together with the name of person, with the amount of tax due from each person for dogs assessed against them.

§ 5. It shall be the duty of the several sheriffs of this Commonwealth to collect all taxes on dogs from the persons who have been assessed with the same, and which have been properly listed on the tax-books for their respective counties and placed in their hands for collection, and to enable them to do so, they are given the same powers and authority as are given sheriffs by law for the collection of taxes levied on real or personal property for State and county revenue purposes; and said sheriffs shall be subject to the same liabilities and penalties for failure to collect, account for and paying over the funds arising under this act, as they are by law required to collect, account for and pay over the funds arising from taxes levied on real and personal property for State and county revenue purposes.

§ 6. The funds arising and collected by virtue of this act shall be a part of the revenues of the county in which the same is.

collected for general purposes of the county, and shall be held by the sheriffs subject to the orders of the fiscal court of their respective counties, and paid out by said sheriffs on the orders of said courts; said sheriffs shall make settlement with said court, and account for all funds collected by them by virtue of this act, in the same manner and at the same time as they are by law required to settle and account for other county funds.

§ 7. Any person who may be the owner or bailee of any sheep in this Commonwealth killed or injured by a dog or dogs have the right to apply to two disinterested housekeepers of the county in which such killing or injury occurred, who shall appraise the damages occasioned by such killing or injury, and give to the owner or bailee of said sheep a certificate of the valuation of damages as fixed by them; and said owner or bailee may present same to the fiscal court of said county as a claim against said county and should said court, from such certificate and other evidence presented to it, find that said claim is just and the valuation reasonable, it shall allow the same, or any part thereof, as it may deem just and proper, as a claim against said county, and order the same to be paid out of the general funds of said county: *Provided however*, That no claim for damages to sheep allowed by the fiscal courts of this Commonwealth shall be ordered to be paid unless the records of the county court of said county show that the amount of taxes collected on dogs shall equal or exceed the amounts allowed on such claim or claims.

§ 8. That any person, being the owner of or keeper of, or who suffers or permits to be harbored upon or about his, her or their premises or place of abode, any dog or dogs, shall be liable to any person aggrieved for all damages committed, done or occasioned by any such dog or dogs, to be recovered by suit before any of the courts in this Commonwealth having jurisdiction of the case.

§ 9. It shall be lawful for any person to kill, or cause to be killed, any dog or dogs which may be found roaming at large (unattended by the owner or bailee thereof) on his or her premises or place of abode; and it shall also be lawful for any person, at any time, either on or off their premises or place of abode, to kill, or cause to be killed, any dog or dogs which may be, or may have been, found killing, worrying or chasing any sheep or lambs, or that may have the appearance of being diseased with rabies or hydrophobia.

§ 10. Any officer in this Commonwealth required to perform any duty by the provisions of this act who shall fail, refuse or neglect to perform such duty, shall be guilty of a misdemeanor, and subject to indictment by the grand juries of the counties for misfeasance in office, and, upon conviction, shall be fined in any sum in the discretion of the jury or court trying the case, not less than ten nor more than fifty dollars for each offense.

§ 11. That it shall be the duty of any person owning or controlling a female dog to keep her in close confinement when she

is proud or mating, and any one who owns or controls a female dog who shall suffer or permit her to run at large on his premises, or the premises of another, during such period, shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined not less than five nor more than twenty dollars.

Mr. Ferguson moved the adoption of the following substitute, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That it shall be lawful for any person to kill, or caused to be killed, any dog or dogs which may be found roaming at large (unattended by the owner or bailee thereof) on his or her premises or place of abode ; and it shall also be lawful for any person, at any time, either on or off their premises or place of abode, to kill, or cause to be killed, any dog or dogs which may be, or may have been, found killing, worrying or chasing any sheep or lambs, or that may have the appearance of being diseased with rabies or hydrophobia.

§ 2. That it shall be the duty of any person owning or controlling a female dog to keep her in close confinement when she is proud or mating, and any one who owns or controls a female dog who shall suffer or permit her to run at large on his premises, or the premises of another, during such period, shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined not less than five nor more than twenty dollars.

Mr. Glenn moved to amend the substitute by inserting after the word "or," in line 8, the words "or other cattle."

Said amendment was adopted.

Mr. Walton moved to amend the substitute by adding to section 3 the following, viz :

That nothing herein shall be construed to repeal any local dog law now in force in any county.

Said amendment was adopted.

Said substitute, as amended, was rejected.

Mr. Walton moved the following substitute for said bill, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That an annual license tax of fifty cents on each male dog, and one dollar on each female dog over the age of six months be, and the same is hereby, levied and imposed, to be collected and appropriated as provided in this law.

§ 2. That the assessor of each county shall take a list each year of all the dogs in his county over the age of six months and return the same to the county court clerk's office at the time he returns his assessments of county and State taxes. The assessors shall provide a book for that purpose, and shall enter

said lists therein in a plain handwriting, showing the names of the person listing said dog, and the number of each sex listed by any person. The said book shall be styled "The Dog Tax-Book," and the assessors shall sign it at the close of said lists or assessments, and it shall be kept by the county court clerk as other public records, and be a county record, and open for public inspection.

§ 3. It shall be the duty of each person when called on by the assessor each year for the purpose of taking his list for county assessments and levies, to furnish and give to the assessor a verbal statement under oath, to be administered by the assessor, showing the number of dogs of each sex owned or kept by such person, or by any member of his family residing with him, on the 15th day of September for the year said assessment or list is being taken. The person giving in said dog shall be liable for the tax against the same, and the same shall be collected from him as herein provided. Any person refusing to give in such list to the assessor shall be reported by him to the county court in writing, and said court shall cause him to be summoned to its next term to show cause for his said failure or refusal; and if he fail to respond or show good cause, he shall be fined \$10 by the court, to be collected from him and paid over as a part of the dog tax. Said person shall then give his said list to the court for taxation, and the sheriff shall then collect the tax thereon, or the court may hear proof concerning said list, and provide the sheriff with the list for taxation and collection.

§ 4. That the assessor shall be allowed five cents for each dog assessed by him under this law, and properly reported on his list, and the same shall be paid him out of the dog tax on the order of the county court, which order may be made at any time before the distribution of the fund, and paid him out of said fund on said order.

§ 5. That the assessor shall be fined not exceeding five dollars for each dog that he fails, through carelessness, neglect or want of reasonable diligence, to list, and a like sum for each failure to swear any person to his list; and each failure to perform either of such duties shall be deemed a separate offense. The said fines may be recovered by a warrant before a justice of the peace, county judge, or by indictment in the circuit court. For a violation on his part to perform any other duty imposed on him by this act, he shall be fined in any sum not exceeding one thousand five hundred dollars, to be recovered by indictment; and said fines, when collected, shall be a part of the sheep fund as provided for by this law, and shall be paid over to it by the collecting officer.

§ 6. The sheriff of each county shall, by virtue of his office, be collector of said tax levied by this law, and he and his sureties on his county levy bond shall be liable to the county therefor, when a good and sufficient county levy bond is taken; but if no such bond be given by the sheriff, then he and his sureties

on his general official bond shall be liable to the county therefor, and the county attorney shall, in the name of the county, institute and prosecute all necessary actions on such bond against the sheriff or his sureties, or any of them, as may be necessary to recover said fund, or any part of it, in the hands of the sheriff going to said sheep fund hereby established.

§ 7. The sheriff shall have all the powers and rights in collecting said tax that he has in collecting the county and State taxes and levies, and may proceed in the same manner as he may in collecting the county and State taxes and levies; and no property of any kind shall be exempt from said taxes. The sheriff shall collect said taxes, and make settlement of his accounts concerning same, with the county court or a commissioner appointed by it; and he shall pay the same over as said court may order, on or before the first day of January each year.

§ 8. That any dog listed for taxation under this law, is hereby declared to be personal property; and the owner thereof may maintain a civil action and proceeding for any injury or damage done thereto, or for the recovery thereof, or for the value thereof, or other action that may be had by him in regard to other personal property. Any such dog shall be the subject of petit larceny, and on conviction thereof, be punished as provided by law for that offense. In any action for damages, or the recovery of a dog, the court or jury may allow the plaintiff exemplary damages.

§ 9. The county court of each county may deposit the said sheep fund in a safe bank in his county, if there be one, and pay off all proper claims under this law; or the county court of each county may appoint a receiver of said taxes, and shall take from him a bond, with good security, to be approved by the court, to the Commonwealth, condition that he will well and truly discharge his duties as such receiver of county sheep fund, and pay over same at any and all times to such person and in such amounts as may be ordered by the county court or other proper legal authority, upon which bond any person aggrieved by the failure of the receiver to pay over may institute his action in any court having jurisdiction of the amount claimed, and recover from said receiver and his sureties, or from any or all of them, whatever he may be entitled to from said sheep fund. The county attorney may proceed upon such bond in behalf of the county as herein provided. Said receiver, before entering upon the discharge of his duties, shall be sworn to faithfully discharge his duties as receiver.

§ 10. That the dog tax, when collected under the provisions of this law, and paid over to the receiver, shall constitute a fund, to be designated "The County Sheep Fund," and it shall be appropriated to the payment of the damages and injuries to the sheep by dogs, as provided in this law.

§ 11. That any person owning sheep injured or killed by dogs may, on or before the tenth day of January next succeeding the

time of such injury or killing, and not after that date, produce and file in the county clerk's office with said clerk a statement in writing, showing when the sheep were injured or killed, and by whose dogs, if he knows, and the value of the sheep killed, and the extent of the damage done to those injured, which statement shall be in writing, and signed and sworn to by the owner of such sheep, and must be accompanied by the affidavits of at least two creditable persons, residents of the county at the time of the killing or injury, stating that they had examined said sheep and their value, and the amount of damage done to those not killed but injured; and that the claimant was, at the time of the killing or injury, a resident of the county in which the sheep were killed or injured, and that neither of the witnesses are related to him, and have no interest in the claim. Said affidavits may be presented at any time up to January 10th succeeding the killing or injury complained of, when they do not accompany the claims; and when any claim is presented which is believed by any resident of the county to be unjust and not a valid claim against said fund, he shall so inform the county attorney, stating the grounds for his belief, and if his grounds are reasonable it shall be the duty of the county attorney to contest such claim; and he shall, for that purpose, cause notice of the time that he will appear before the county court and move a rejection in whole or in part of such claim, to be served on the claimant and cause witness to be summoned and produced in the court, and at the time specified he shall make his proposed motion, which shall be heard and tried as other motions in said court, each party having the same right as in other like proceedings; and the court shall render such judgment as it may deem just and lawful in the premises. The county attorney shall prosecute the case in the name of the county as plaintiff, and there shall be no appeal in the case. Either party may demand a jury trial when the claim exceeds sixteen dollars. The county attorney shall contest any claim against said fund that he believes unjust in whole or in part.

§ 12. The county court shall, on or before the first Monday in February in each year, call up for adjudication all the claims filed against said sheep fund for the previous year up to the preceding tenth of January, and shall pass upon said claims and allow such as are not contested or so much thereof as it may deem just and legal as shown by the proof on file; and such claims as may be objected to or contested, shall be tried and disposed of as rapidly as practicable by the court giving the parties proper continuances when asked for. When said claims are called up the county attorney shall be present or some other attorney may be appointed to act in his place by the court, and may object to the allowance of any claim in the name of the county, and such claim shall then be regularly tried on the affidavits and proof, and such other testimony as may be produced by the parties, reasonable time being allowed them by

the court by an adjournment of the trial. The costs shall be adjudged against the unsuccessful party on any claim or disputed claim. So soon as the claims presented as herein provided for any year are all passed upon by the court, then it shall be the duty of the court to order the receiver of said fund to pay over to the claimants, whose claims are allowed by the court against it, after deducting all costs of collecting and distributing said funds, including assessors, collectors and receivers' fees, and all costs that may have been adjudged against it in the litigation of any claims against said fund, and any other costs against a said fund provided for by this law. If, however, the fund be insufficient to pay all of the claims, the court shall order all fees, costs and judgments against said fund paid as aforesaid, and order the remainder of said fund to be prorated among the claimants whose claims are allowed.

§ 13. The receiver provided for in this law shall retain five per cent. of the funds arising from said dog tax as compensation for his services, and the court shall so estimate his fees in ordinary payment on claims.

§ 14. The county court may, by proper order, release any person from any erroneous, illegal or improper assessment of said tax at any time before said taxes are ordered to be paid over by the receiver on claims.

§ 15. The receivers herein provided for shall each hold office for two years, whether appointed to fill a vacancy or otherwise, unless sooner removed by the county court. Said court may remove the receiver at any time and appoint another, and may fill any vacancies that may occur in said office at any time. When the time of any receiver expires, or he shall be removed by the court, he shall at once settle his accounts with the county court, and pay over to his successor, or to such person as the court may order, such sum as may be found in his hands on settlement. The county court may, by rule or attachment, coerce a settlement by the receiver at any time when the same is due, or at any time when the court may think that the safety of the fund requires it. It shall also be the duty of the county attorney of said county, with or without an order of the county court directing him so to do, to sue any receiver and his security, or either of them, or the representatives of them, or any of them, on the receiver's official bond for the recovery of any money or sum in the receiver's hands which he has failed or refused to pay over on his settlement, or on removal from office, or at any other time when the county court may have so ordered him to pay; and the money collected on such judgments shall be paid over by the officer collecting it to such receiver or other person, as the county court may order, for the benefit of said sheep fund, and shall be disposed of as the sheep fund under proper orders of the county court; and when the office of receiver becomes vacant by death or removal from the county, the county attorney may sue immediately in the name of the county,

the receiver or his sureties, or any of them, or their representative, or the representatives of any of them, for the recovery of whatever may have been in the hands of the receiver going to said sheep fund or belonging thereto; and the sum recovered shall be disposed of accordingly. A removal from the county by the receiver shall vacate his office.

§ 16. That any persons knowingly swearing to a false statement to the assessor as to the number of dogs it is made his or her duty to give in under this act, shall be guilty of false swearing, and shall be subject to all the pains and penalties for that crime.

§ 17. That it shall be the duty of the assessor to make out his lists by magisterial districts, and to arrange the lists alphabetically in his books, and the county court clerk, on the receipt thereof, shall make a certified copy thereof, and deliver the same to the sheriff on or before January first of each year. The sheriff shall then proceed to collect same, and may distrain and sell therefor at once, if necessary. The clerk, for his services in copying said lists, shall be allowed by the court a reasonable sum per list, payable out of the sheep fund.

§ 18. The county court shall cause to be published in the county paper, if one be published in the county, on or before the tenth day of February each year, all the claims, and by whom presented, against said sheep fund, and also post a notice of the same kind at the court-house door for public inspection.

§ 19. It shall be the duty of any person owning or controlling a female dog to keep her in close confinement when she is proud or mating, and any one who owns her and permits her to run at large on his premises or the premises of another during such period shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined not less than five nor more than twenty-five dollars; and said dog may, at this period, be killed by any person with impunity when running at large on other premises than her owner's.

§ 20. It shall be lawful for any person to kill, or cause to be killed, on his premises, any dog listed upon which the owner has failed or refused to pay the said tax, or any dog, at any place, that may be, or have been, found killing, worrying or injuring any cattle outside of the inclosure of the dog's owner, and to kill, or cause to be killed, any dog afflicted with rabies or hydrophobia.

Said substitute was rejected.

Mr. Hay moved the following substitute for said bill, viz :

That the fiscal courts of the several counties of the State are hereby authorized to assess a tax of not less than fifty cents or more than two dollars on each dog over six months old in their counties; said tax to be paid by the owner of the dog or dogs; and the money thus collected shall be paid into the school fund of the school district from which the tax was collected.

Mr. Follis moved to amend said substitute by adding thereto these words: "Or for county purposes."

Said amendment was adopted.

Said substitute, as amended, was rejected.

The yeas and nays being required thereon by Messrs. Hay and Botts, were as follows, viz:

Those who voted in the affirmative, were—

R. F. Bass,	J. M. Frazee,	J. P. O'Meara,
John Botts,	Geo. T. Halbert,	S. H. Shouse,
A. J. Carroll,	H. K. Hay,	C. C. Spalding,
B. E. Candill,	W. J. Hissem,	J. R. Summers,
D. B. Edmiston,	Daniel James,	John M. Tinsley,
McD. Ferguson,	W. W. Johnson,	D. W. Tribble—20.
George Will. Follis,	T. S. Kirk,	

Those who voted in the negative, were—

Lewis Alexander, Sr.,	J. P. Gay,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
John Bartman,	Thos. H. Hanks,	J. F. Porter,
B. F. Bennett,	A. L. Harned,	A. T. Pullen,
B. T. Birkhead,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	F. W. Hutcheson,	Waller Sharp,
L. J. Cox,	R. M. Kincheloe,	Fenton Sims,
J. S. Cullen,	H. P. Lively,	W. R. Stewart,
J. M. Dawson, Jr.,	C. W. Mathers,	J. R. Thomas,
James R. Dean,	John S. May,	N. S. Walton,
J. E. Durham,	Hiram McElroy,	John D. Woods—37.
Wm. Garrison,		

Mr. Peak moved to amend the original bill as follows, viz:

Amend by adding the following section as section 11:

Provided, That this bill shall not apply or be in force in any county until it shall have been submitted and approved by a majority of the qualified voters of such county at some regular election in said county.

§ 12. That whenever a petition, signed by one hundred qualified voters of any county, shall be filed with the county judge requesting an election upon the adoption of this law, it shall be the duty of such judge to cause an order to be entered ordering said election to be held at the first regular election thereafter to be held in said county not less than sixty days after the filing of said petition. Said judge shall cause due notice to be given, by written or printed notices posted in each voting precinct, for

at least forty days before the election is held. Said election to be held in all respects as other county elections are required by law to be held.

Said amendment was adopted.

Mr. J. R. Thomas moved to amend said bill by striking out of section 6 the words "revenues of the county in which the same is collected for general purposes of the county," and inserting in lieu thereof the words "county road and bridge fund;" and by striking out section 7.

Said amendment was adopted.

Mr. Follis moved to amend said bill by inserting after the word "purposes," in line 5 of section 3, these words: "Where the fiscal court has levied a tax on dogs."

Said amendment was rejected.

Mr. Glenn moved to amend said bill by adding after the word "or," in line 8, the words "other cattle."

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as above amended.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	W. F. Peak,
Lewis Alexander, Sr.,	Geo. T. Halbert,	Thos. S. Pettit,
B. F. Bennett,	Thos. H. Hanks,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	C. D. Reed,
John Botts,	H. K. Hay,	S. H. Shouse,
P. S. Bruner,	W. J. Hissem,	C. C. Spalding,
B. E. Caudill,	F. W. Hutcheson,	W. R. Stewart,
L. J. Cox,	Daniel James,	J. R. Summers,
J. S. Cullen,	H. P. Lively,	Lewis E. Thomas,
J. E. Durham,	C. W. Mathers,	J. R. Thomas,
D. B. Edmiston,	John S. May,	John M. Tinsley,
McD. Ferguson,	Hiram McElroy,	D. W. Tribble,
George Will Follis,	J. P. O'Meara,	John D. Woods—40.
J. M. Frazee,		

Those who voted in the negative, were—

W. W. Ayres,	J. P. Gay,	Eli Nicholls,
W. S. Bailey,	J. C. Glenn,	J. F. Porter,
John Bartman,	S. M. Gough,	A. T. Pullen,

R. F. Bass,
Polk Cansler,
A. J. Carroll,
J. M. Dawson, Jr.,

P. R. Hays,
W. W. Johnson,
R. M. Kincheloe,

Waller Sharp,
Fenton Sims,
N. S. Walton—19.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had reconsidered, amended and passed bills of the following titles, viz :

S. B. 225. An act for the government of cities of the fifth class.

S. B. 230. An act for the government of cities of the fourth class.

The House took from the orders of the day the last-named bill.

Mr. Botts moved to amend subsection 2 of section 9 by adding thereto these words: "Nothing in this charter shall be construed to prevent the board of council from providing for taxation based on income, license or franchise."

Said amendment was adopted.

The amendment proposed by the Senate was adopted.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Wm. Garrison,	J. P. O'Meara,
W. W. Ayres,	J. P. Gay,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,
R. F. Bass,	S. M. Gough,	E. M. Pryse,
B. F. Bennett,	Geo. T. Halbert,	A. T. Pullen,
B. T. Birkhead,	Thos. H. Hanks,	C. D. Reed,
John Botts,	A. L. Harned,	Waller Sharp,
P. S. Bruner,	H. K. Hay,	S. H. Shouse,
Polk Cansler,	P. R. Hays,	Fenton Sims,
A. J. Carroll,	W. J. Hissem,	C. C. Spalding,
L. J. Cox,	F. W. Hutcheson,	J. R. Summers,
J. S. Cullen,	Daniel James,	J. R. Thomas,
J. M. Dawson, Jr.,	W. W. Johnson,	John M. Tinsley,
James R. Dean,	R. M. Kincheloe,	D. W. Tribble,

J. E. Durham,	T. S. Kirk,	N. S. Walton,
D. B. Edmiston,	H. P. Lively,	B. F. Willett,
McD. Ferguson,	John S. May,	John D. Woods—56.
George Will. Follis,	Hiram McElroy,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day S. B. 225, entitled
An act for the government of cities of the fifth class.

The first amendment proposed by the Senate was concurred in. The second amendment proposed by the Senate was disagreed to.

The bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	George Will. Follis,	Eli Nicholls,
Lewis Alexander, Sr.,	J. M. Frazee,	J. P. O'Meara,
W. W. Ayres,	Wm. Garrison,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,
R. F. Bass,	S. M. Gough,	E. M. Pryse,
B. F. Bennett,	Geo. T. Halbert,	A. T. Pullen,
B. T. Birkhead,	Thos. H. Hanks,	C. D. Reed,
John Botts,	A. L. Harned,	Waller Sharp,
P. S. Bruner,	H. K. Hay,	S. H. Shouse,
Polk Cansler,	P. R. Hays,	Fenton Sims,
A. J. Carroll,	W. J. Hissem,	C. C. Spalding,
L. J. Cox,	F. W. Hutcheson,	J. R. Summers,
J. S. Cullen,	Daniel James,	J. R. Thomas,
J. M. Dawson, Jr.,	W. W. Johnson,	John M. Tinsley,
James R. Dean,	T. S. Kirk,	D. W. Tribble,
J. E. Durham,	H. P. Lively,	N. S. Walton,
D. B. Edmiston,	John S. May,	B. F. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—54.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the House adjourned.

SATURDAY, JUNE 10, 1893.

The House was opened with prayer by Rev. W. G. Neville, of the Southern Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	J. M. Frazee,	John S. May,
Lewis Alexander, Sr.,	Wm. Garrison,	Hiram McElroy,
W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
W. S. Bailey,	S. M. Gough,	J. P. O'Meara,
John T. Bashaw,	Geo. T. Halbert,	W. F. Peak,
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
B. F. Bennett,	U. G. Harlow,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	W. W. Stephenson,
B. E. Caudill,	Daniel James,	W. R. Stewart,
R. F. Comer,	W. W. Johnson,	J. R. Summers,
L. J. Cox,	J. S. Joplin,	J. R. Thomas,
J. S. Cullen,	R. M. Kincheloe,	John M. Tinsley,
James R. Dean,	T. S. Kirk,	D. W. Tribble,
J. E. Durham,	Lewis Y. Leavell,	B. F. Willett,
McD. Ferguson,	H. P. Lively,	John D. Woods—56.
George Will. Follis,	C. W. Mathers,	

The following members were absent, viz:

T. J. Arnett,	R. K. Hart,	I. M. Quigley,
Posey D. Ball,	H. K. Hay,	R. E. Roberts,
John Bartman,	B. B. Hensley,	John Ryan,
W. P. Beard,	Berry Howard,	D. H. Severs,
A. J. Carroll,	Henry Kremer,	Waller Sharp,
A. H. Charlton,	William Krieger,	Fenton Sims,
F. P. Combett,	John M. Letterle,	C. C. Spalding,
Will J. Cox,	W. H. May,	Samuel O. Tate,
Wesley Crow,	M. D. McInerney,	Lewis E. Thomas,
J. M. Dawson, Jr.,	Harvey Myers,	N. S. Walton,
E. M. Dickson,	W. F. Neat,	J. H. Welch,
D. B. Edmiston,	John Lee Payne,	H. P. Whitaker,
John Finn,	J. A. Perkins,	Geo. E. Willett,
Ben. F. Gardner,	Granville Philpot,	R. B. Wilson—44.
J. P. Gay,	J. F. Porter,	

The Journal of yesterday was approved.

Mr. Garrison presented the petition of sundry citizens of Warren county, asking the removal of the seat of government from Frankfort to Louisville.

Which petition was received, its reading dispensed with, and referred to the Committee on Internal Improvements.

Mr. O'Meara introduced H. B. 570, entitled

A bill to repeal an act, entitled "An act to incorporate the town of East View, in Hardin county," approved May 16, 1890; referred to the Committee on General Statutes.

Mr. Botts moved to reconsider the vote by which the House passed S. B. 230, entitled

An act for the government of cities of the fourth class.

Said motion was adopted.

Mr. Botts moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was adopted.

Mr. Botts moved to reconsider the vote by which the House adopted an amendment moved by him on yesterday.

Said motion was adopted.

By unanimous consent, Mr. Botts withdrew said amendment.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	Hiram McElroy,
Lewis Alexander, Sr.,	J. C. Glenn,	Eli Nicholls,
W. W. Ayres,	S. M. Gough,	J. P. O'Meara,
W. S. Bailey,	Geo. T. Halbert,	W. F. Peak,
John T. Bashaw,	Thos. H. Hanks,	Thos. S. Pettit,
R. F. Bass,	U. G. Harlow,	J. F. Porter,
B. F. Bennett,	A. L. Harned,	E. M. Pryse,
B. T. Birkhead,	R. K. Hart,	A. T. Pullen,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	Waller Sharp,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	W. W. Stephenson,
R. F. Comer,	W. W. Johnson,	W. R. Stewart,
L. J. Cox,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,

James R. Dean,	T. S. Kirk,	John M. Tinsley,
J. E. Durham,	Lewis Y. Leavell,	D. W. Tribble,
McD. Ferguson,	H. P. Lively,	B. F. Willett,
George Will. Follis,	C. W. Mathers,	John D. Woods—59.
J. M. Frazee,	John S. May,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be, as aforesaid.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 292. An act concerning innkeepers ;

H. B. 289. An act to provide how the printing, binding and stationery used by the State shall be furnished ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign the same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

The House took from the orders of the day H. B. 474, entitled

A bill imposing a tax on the estates of inheritance, distributive shares and legacies.

Said bill was read as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That all estate, real, personal and mixed, money, public, private securities for money of every kind passing from any person who may die seized and possessed thereof,

being in this State, or any part of such estate or estates, money or securities, or interest therein transferred by the intestate laws of this State by will, deed, grant, bargain, gift or sale made or intended to take effect in possession after death of the grantor, bargainor, devisor or donor to any person or persons, bodies-politic or corporate, in trust or otherwise, other than to or for the use of the father, mother, husband, wife, children or lineal descendants of the grantor, devisor, donor or intestate, shall be subject to a tax of five per centum on every hundred dollars of the clear value of such estate, money or securities; and all such estates that may pass to the use of the father, mother, husband, wife, children or lineal descendants, which shall amount to more than ten thousand dollars, shall be subject to a tax of one per centum on each one hundred dollars thereof in excess of ten thousand dollars, and all personal representatives shall only be discharged from liability for the amount of such tax, the payment of which they may be charged with by paying the same for the use of this Commonwealth as hereinafter directed.

§ 2. Every personal representative to whom administration may be granted, before he pays any legacies or distributes the shares of any estate liable to the tax imposed by the preceding section, shall pay to the clerk of the county court of the proper county the amount of taxes as are levied by the first section of this act, for the use of this Commonwealth.

§ 3. When any species of property other than real estate shall be subject to said tax, the tax shall be paid on the appraised value thereof, and every personal representative shall have power, under the order of the circuit court, made on the application of such personal representative, to sell, if necessary, so much of said property as will enable him to pay said tax, which sale must be reported to the said court, and by it approved.

§ 4. In all cases where real estate of any kind is subject to the said tax the same shall be appraised in the manner as prescribed for appraising real estate sold under a judgment or decree of court.

§ 5. If the estate or property lies in more than one county, and it is not convenient for the appraisers to visit the other county, the county or circuit court of the county wherein the greater part thereof is situated may appoint appraisers in said county.

§ 6. The inventory of the real estate shall be separate and distinct from that of the personal estate.

§ 7. On the death or refusal of any appraiser to act, the court may appoint another in his stead.

§ 8. The appraisers shall return the inventory when completed to the personal representative, whose duty it shall be to return the same to the office of the county court to which the inventory of the personal estate is returnable, and within the said time and under like penalty, and shall make oath that said inventory or inventories are true and perfect inventory or inventories of all the real estate of the deceased within this State that has

come to his knowledge, and that should he thereafter discover any real estate belonging to the deceased in this State, he will return an additional inventory thereof.

§ 9. The appraisalment shall be deemed and taken *prima facie* to be the true value of the said real estate upon which the said tax shall be paid.

§ 10. The amount of said tax shall be a lien on said real estate from the death of the decedent who shall have died seized and possessed thereof until the same shall be paid.

§ 11. The personal representative shall collect the same from the parties liable to pay the said tax, or their legal representatives, as soon as practicable, from the date of his administration, and pay the same to the clerk of the county court in which administration is granted; and if the said parties shall neglect or fail to pay the same within a reasonable time, the circuit court of the said county, upon bill filed by the personal representative, shall decree so much of the real estate as may be necessary to pay said tax to be sold, and all the expenses of said sale, including the commissions of the personal representative thereon.

§ 12. Whenever any estate, real, personal or mixed, of a decedent, shall be subject to a tax mentioned in the preceding section, and there be only a life estate or any interest for a term of years, or a contingent interest given to one party, and the remainder or reversionary interest to another, the circuit court of the county in which administration is granted shall, on the application of the personal representative by petition, after due notice to the parties interested, determine, in its discretion, and at such time as it shall think proper, what proportion each party who may be thus interested in said estate or property shall pay off said tax; and every such party shall pay to the clerk of the county court his proportion of said tax within sixty days after the date of such determination; and any party entitled in remainder or reversion shall be required to pay his proportion within the said time as if his interest had vested in possession.

§ 13. If any of the parties mentioned in the last preceding section shall refuse or neglect to pay the several proportions so decreed by the circuit court within sixty days from the time of such decree, the court shall, upon the *ex parte* application of the clerk of the county court, order and direct the personal representative to sell all the right, title and interest of such party in and to said estate or property, or so much thereof as may be necessary to pay his proportion of said tax, and all expenses of sale.

§ 14. The personal representative shall be liable on his bond for all money he may receive under this act for taxes, or for the proceeds of the sales of real estate received by him thereunder.

§ 15. If any personal representative shall fail to perform any of the duties imposed upon him by this act, the court in which the administration was granted may revoke his administration, and he shall be liable on his bond, and the same proceedings.

shall be had against him as if his administration had been revoked for any other cause.

§ 16. In all cases where any estate, real, personal or mixed, shall be subject to the inheritance tax imposed by this act, and no administration is taken out within three months, it shall be the duty of the judge of the county court to commit the estate to the public administrator and guardian of the county where administration should be granted; but if there is no such public administrator and guardian, then the estate shall be committed to the hands of the sheriff of such county to be by him administered.

§ 17. The clerk of the county court shall give to the person paying the inheritance tax imposed by this statute duplicate receipts for said tax, one of which shall be forwarded by said person to the Auditor, to be by him preserved; and copies thereof shall be evidence in suits on the bond of said clerk of said county court.

§ 18. It shall be the duty of the several clerks of the county courts of this State to report under oath and pay to the Auditor, on the first day of June in each and every year, all sums of money received by them respectively, upon which they shall be allowed a commission of two per cent. upon the amount so paid over.

§ 19. If any of the said clerks shall fail to account and pay over, as required in the last preceding section, the Auditor shall in thirty days thereafter give notice thereof to the prosecuting attorney for the county, whose duty it shall be to put the bond of such clerk in suit for the use of the Commonwealth, in which suit a recovery shall be had for the amount appearing to be due, with interest at the rate of ten per centum per annum from the date or dates when the same was payable as aforesaid, which recovery shall be evidence of misbehavior, and, upon conviction thereof, the said clerk shall be removed from office, which thereupon shall be filled as prescribed by law; and such failure upon the part of any clerk shall amount to the forfeiture of the commission to which he would otherwise be entitled.

Mr. Ferguson moved the following substitute for said bill, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That all property within the jurisdiction of this State, and any interest therein, whether belonging to inhabitants of this State or not, and whether tangible or intangible, which shall pass by will or by the intestate laws of this State, or by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor, to any person in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant, adopted child, the lineal descendant of any adopted child, the wife or widow of a son, the husband

of the daughter of a descendant, shall be liable to a tax of five per centum of its value, above the sum of ten thousand dollars, for the use of the State, and all administrators, executors and trustee, any such grantor under a conveyance made during the grantor's life shall be liable for all such taxes, with lawful interest as hereinafter provided, until the same shall have been paid as hereinafter directed.

§ 2. When any person shall bequeath or devise any property to or for the use of father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant and adopted child, the lineal descendant of any adopted child, the wife or widow of a son, or the husband of a daughter during life or for a term of years, and the remainder to a collateral heir, or to a stranger to the blood, the value of the prior estate shall, within sixty days after the death of the testator, be appraised in the manner provided, and deducted, together with the sum of ten thousand dollars, from the appraised value of such property, and the tax on the remainder shall be payable one year from the death of said testator, and, together with any interest that may accrue on the same, be and remain a lien on said property till paid to the State.

§ 3. Whenever a decedent appoints one or more executors or trustees, and in lieu of their allowance, make a bequest or devise of property to them which would otherwise be liable to said tax, or appoints them his residuary legatees, and said bequests, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to such tax, and the county court having jurisdiction of their accounts shall fix such compensation.

§ 4. All taxes imposed by this act shall be paid to the sheriff of the county in which the court having jurisdiction of the estate or accounts is situated, by the executors, administrators or trustees within one year from the death of said testator or intestate, or the qualification of said trustees; and if the same are not so paid, interest at the rate of six per centum shall be charged and collected thereon from the time said tax became due.

§ 5. Any administrator, executor or trustee, having in charge or trust any property subject to such tax, shall deduct the tax thereon from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon.

§ 6. Whenever any legacies subject to said tax shall be charged upon or payable out of any real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom and pay it to the executor, administrator, or trustee, and the same shall remain a charge upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator, or trustee in the same manner as the payment of the legacy itself could be enforced.

§ 7. If any such legacy be given in money to any person for a limited period, such administrator, executor or trustee shall retain the tax on the whole amount; but if it be not in money, he shall make an application to the court having jurisdiction of his accounts to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatee on account of said tax, and for such further order as the case may require.

§ 8. All administrators, executors and trustees shall have power to sell so much of the estate of the deceased as will enable them to pay said tax in the same manner as they may be empowered to do for the payment of his debt.

§ 9. Within ten days after the filing of the inventory of every such estate, any part of which may be subject to a tax under the provisions of this act, the judge of the county court in which such inventory is filed shall make and deliver to the county clerk of any such county a copy of such inventory, or if the same can be conveniently separated, a copy of such estate, with the appraised value thereof; the county clerk shall certify the value of said estate subject to taxation hereunder, and the amount of taxes due therefrom to the sheriff of the county, who shall collect and pay the same into the State Treasury to the credit of the general expenditure fund, at the time of making his annual settlement with the Auditor.

§ 10. Whenever any of the real estate of a decedent shall so pass to another person as to become subject to said tax, the executor, administrator or trustee of the decedent shall inform the county judge thereof within six months after he has assumed the duties of his trust, or if the fact is not known to him within that time, then within one month from the time that it does become known to him.

§ 11. The value of such property as may be subject to said tax shall be its fair cash value as found by the county court, but the State, through the county attorney or any person interested in the succession to said property, may apply to the county court having jurisdiction of the estate; and on such application the court shall appoint three disinterested persons who, being first sworn, shall view and appraise such property at its fair cash value for the purpose of said tax, and shall make return thereof to said court, which return may be accepted by said court in the same manner as the original inventory of such estate is accepted, and if so accepted, it shall be binding upon the person by whom this tax is to be paid, and upon the estate.

§ 12. The county court, having either principal or auxiliary jurisdiction of the settlement of the estate of the decedent, shall have jurisdiction to hear and determine all questions in relation to said tax that may arise affecting any devise, legacy or inheritance under this act, subject to appeal as in other cases, and the county attorney shall represent the interest of the State in any such proceedings.

§ 13. The judge of each county court shall, as often as once

in six months, render to the county clerk a statement of the property within the jurisdiction of his court that has become subject to said tax during such period, the number and the amount of such taxes as will accrue during the next six months, so far as the same can be determined from the records, and the number and amount of such taxes as are due and unpaid.

§ 14. The fees of all officers having duties to perform under the provisions of this act shall be paid by the county, and shall be the same as now allowed by law for similar services; in the calculation of amounts due the State, the cost of collection and other necessary and legitimate expenses incurred by the county in the collection of such taxes shall be charged to the State and deducted from the amount of taxes to be paid into the State Treasury.

§ 15. No final settlement of the accounts of any executor, administrator or trustee shall be accepted or allowed by the county court unless it shall show and the judge of said court shall find that all taxes imposed by the provisions of this act upon any property, or interest therein, belonging to the estate to be settled by said accounts shall have been paid, and the receipt of the sheriff shall be the proper voucher for such payment.

§ 16. This act shall be in full force and effect ninety days after the adjournment of this General Assembly.

Said substitute was rejected.

The question being taken on ordering said bill to be read the third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peak and Pettit, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	C. W. Mathers,
W. W. Ayres,	J. C. Glenn,	John S. May,
B. F. Bennett,	S. M. Gough,	Eli Nicholls,
B. T. Birkhead,	Thos. H. Hanks,	J. P. O'Meara,
John Botts,	U. G. Harlow,	W. F. Peak,
P. S. Bruner,	A. L. Harned,	Thos. S. Pettit,
R. F. Comer,	P. R. Hays,	J. F. Porter,
L. J. Cox,	W. J. Hissem,	A. T. Pullen,
J. S. Cullen,	W. W. Johnson,	C. D. Reed,
James R. Dean,	J. S. Joplin,	W. R. Stewart,
J. E. Durham,	R. M. Kincheloe,	J. R. Summers,
McD. Ferguson,	T. S. Kirk,	B. F. Willett—38.
George Will. Follis,	H. P. Lively,	

Those who voted in the negative, were—

W. S. Bailey,	Geo. T. Halbert,	S. H. Shouse,
R. F. Bass,	R. K. Hart,	W. W. Stephenson,

A. J. Carroll,	Daniel James,	Lewis E. Thomas,
B. E. Caudill,	Louis Y. Leavell,	D. W. Tribble,
J. M. Frazee,	Hiram McElroy,	J. H. Welch,
J. P. Gay,	Waller Sharp,	John D. Woods—18.

Said bill was read the third time.

The question being taken on the passage of said bill, it failed on account of not receiving the necessary vote under the Constitution.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. C. Glenn,	John. S. May,
W. W. Ayres,	S. M. Gough,	Eli Nicholls,
B. F. Bennett,	Thos. H. Hanks,	J. P. O'Meara,
B. T. Birkhead,	U. G. Harlow,	W. F. Peak,
John Botts,	A. L. Harned,	Thos. S. Pettit,
P. S. Bruner,	P. R. Hays,	J. F. Porter,
R. F. Comer,	W. J. Hissem,	E. M. Pryse,
J. S. Cullen,	F. W. Hutcheson,	A. T. Pullen,
James R. Dean,	W. W. Johnson,	C. D. Reed,
J. E. Durham,	R. M. Kincheloe,	W. R. Stewart,
McD. Ferguson,	T. S. Kirk,	J. R. Summers,
George Will. Follis,	H. P. Lively,	B. F. Willett—38.
Wm. Garrison,	C. W. Mathers,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. M. Frazee,	Waller Sharp,
W. S. Bailey,	J. P. Gay,	S. H. Shouse,
John T. Bashaw,	Geo. T. Halbert,	W. W. Stephenson,
R. F. Bass,	Daniel James,	J. H. Welch,
A. J. Carroll,	Lewis Y. Leavell,	John D. Woods—17.
B. E. Caudill,	Hiram McElroy,	

So said bill was rejected.

Mr. Woods entered a motion to reconsider the vote by which said bill was rejected.

A message was received from the Senate, announcing that they had refused to concur in amendments proposed by the House to S. B. 165, entitled

An act in relation to descent and distribution, and entitled
 “Descent and Distribution.”

Mr. Welch moved that a committee be appointed to wait

upon the Senate and ask the withdrawal from that body of S. B. 224, entitled

An act dividing the State into thirty-eight Senatorial Districts.
Said motion was adopted.

Whereupon the Speaker appointed Mr. Welch as said committee.

After a time Mr. Welch reported that he had discharged the duty assigned him, and returned the bill to the possession of the House.

Mr. Welch moved that the House reconsider the vote by which the House passed said bill.

Said motion was adopted.

Mr. Welch moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was adopted.

Mr. Welch moved to reconsider the vote by which the House adopted the substitute proposed by the committee for said bill.

Said motion was adopted.

Mr. Kirk moved to amend said substitute by adding the county of Leslie to the thirty-third Senatorial District.

Said amendment was adopted.

Mr. Caudill moved to amend said substitute by striking out the county of Johnson from the thirty-third district and adding it to the thirty-fourth district.

Said amendment was adopted.

The yeas and nays being required thereon by Messrs. Caudill and Pullen, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	McD. Ferguson,	H. P. Lively,
W. W. Ayres,	George Will. Follis,	John S. May,
R. F. Bass,	S. M. Gough,	Eli Nicholls,
B. F. Bennett,	Geo. T. Halbert,	W. F. Peak,
B. T. Birkhead,	U. G. Harlow,	Thos. S. Pettit,
P. S. Bruner,	P. R. Hays,	J. F. Porter,
Polk Cansler,	W. J. Hissem,	E. M. Pryse,
B. E. Caudill,	F. W. Hutcheson,	A. T. Pullen,
R. F. Comer,	Daniel James,	W. R. Stewart,
J. S. Cullen,	W. W. Johnson,	J. R. Summers,
James R. Dean,	J. S. Joplin,	John M. Tinsley,
J. E. Durham,	T. S. Kirk,	B. F. Willett—36.

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. P. Gay,	C. D. Reed,
W. S. Bailey,	J. C. Glenn,	Waller Sharp,
John T. Bashaw,	Thos. H. Hanks,	W. W. Stephenson,
John Botts,	A. L. Harned,	Lewis E. Thomas,
A. J. Carroll,	R. K. Hart,	D. W. Tribble,
L. J. Cox,	R. M. Kincheloe,	J. H. Welch,
J. M. Frazee,	C. W. Mathers,	John D. Woods—23.
Wm. Garrison,	Hiram McElroy	

Mr. Tinsley moved to amend said substitute by striking Rockcastle county from the seventeenth district, and adding it to the twenty-ninth district.

Said amendment was rejected.

Mr. Birkhead entered a motion to reconsider the vote by which the amendment proposed by Mr. Caudill was adopted.

Mr. Carroll moved that the further consideration of said bill be postponed until Tuesday, June 13, 1893.

Said motion was adopted.

Mr. Carroll moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

MONDAY, JUNE 12, 1893.

The House was opened with prayer by Rev. W. C. Taylor, of the Baptist Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. M. Frazee,	Hiram McElroy,
Lewis Alexander, Sr.,	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	J. P. O'Meara,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
R. F. Bass,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	E. M. Pryse,

B. F. Bennett,	P. R. Hays,	A. T. Pullen,
B. T. Birkhead,	W. J. Hissem,	C. D. Reed,
P. S. Bruner,	F. W. Hutcheson,	D. H. Severs,
Polk Cansler,	Daniel James,	S. H. Shouse,
B. E. Caudill,	W. W. Johnson,	W. R. Stewart,
R. F. Comer,	J. S. Joplin,	J. R. Summers,
L. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
J. S. Cullen,	T. S. Kirk,	John M. Tinsley,
James R. Dean,	Lewis Y. Leavell,	D. W. Tribble,
J. E. Durham,	H. P. Lively,	B. F. Willett,
George Will. Follis,	W. H. May,	John D. Woods—51.

The following members were absent, viz :

T. J. Arnett,	Geo. T. Halbert,	J. A. Perkins,
Posey D. Ball,	A. L. Harned,	Granville Philpot,
John Bartman,	R. K. Hart,	I. M. Quigley,
John T. Bashaw,	H. K. Hay,	R. E. Roberts,
John Botts,	B. B. Hensley,	John Ryan,
A. J. Carroll,	Berry Howard,	Waller Sharp,
A. H. Charlton,	Henry Kremer,	Fenton Sims,
F. P. Combest,	William Krieger,	C. C. Spalding,
W. J. Cox,	John M. Letterle,	W. W. Stephenson,
Wesley Crow,	C. W. Mathers,	Samuel O. Tate,
J. M. Dawson, Jr.,	John S. May,	J. R. Thomas,
E. M. Dickson,	M. D. McInerney,	N. S. Walton,
D. B. Edmiston,	Harvey Myers,	J. H. Welch,
McD. Ferguson,	W. F. Neat,	H. P. Whitaker,
John Finn,	John Lee Payne,	Geo. E. Willett,
Ben F. Gardner,	W. F. Peak,	R. B. Wilson—49.
J. P. Gay,		

The Journal of Saturday was approved.

A message was received from the Governor, announcing that he had approved and signed H. B. 515, entitled

An act prescribing the duties of all peace officers of this Commonwealth in making, or causing to be made, arrests in certain cases, and fixing a penalty for a failure of their duties therein.

Mr. Frazee, from the Committee on Revenue and Taxation, reported H. B. 571, originated by the committee, entitled

A bill for the creation and organization of cities and towns of this Commonwealth.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

A message was received from the Senate, announcing that they had passed bills as follows, viz :

H. B. 550. A bill to empower the trustees of the State Normal School for Colored Persons at Frankfort to build a dormitory.

1. S. B. 252. An act to regulate the sale of dynamite, and providing a penalty for its unlawful use in this Commonwealth.

2. S. B. 253. An act to amend section 364 of the Civil Code.

Ordered, That said Senate bills be referred—the first to the Committee on General Statutes, and the second to the Committee on Codes of Practice.

The House took from the orders of the day S. B. 165, entitled An act in relation to descent and distribution, and entitled “Descent and Distribution.”

The House refused to recede from an amendment heretofore adopted by it to said bill.

Mr. Pettit moved that a committee be appointed on the part of the House, to act with a like committee on the part of the Senate, to take into consideration the differences between the two Houses.

Said motion was adopted.

Whereupon the Speaker appointed Messrs. Pettit, O'Meara and Durham as said committee on the part of the House.

The House took from the orders of the day the following bills and resolution, viz:

S. B. 244. An act to amend subsection 4 of section 51 of the Civil Code of Practice.

H. B. 538. A bill requiring railroads, corporations and other persons operating and controlling railroads, and land-owners, to fence their right of way and railroad track, and to construct barriers and cattle guards at certain public roads and highway crossings, and to maintain and keep the same in repair, and prescribing remedies and penalties for failing to do so.

H. B. 562. A bill to provide for the levy and collection of taxes in certain common school districts, and pay off indebtedness incurred by the trustees of such school districts in erecting and furnishing school-houses.

H. B. 564. A bill to provide for a board of joint commissioners where, for governmental purposes, a city is, by law, separated from the remainder of the county, and having public buildings,

and incurring expenses in which both such city and town are jointly interested.

S. Resolution 59. Resolution providing a curator for the cabinet and property of the Geological Survey.

Said bills and resolution were severally read the first time by their titles,

The constitutional provision as to the second reading of said bills and resolution at length being dispensed with.

The House took from the orders of the day H. B. 559, entitled

A bill to empower the Enrolling Committee of the General Assembly to employ assistance in cases of necessity, and providing pay for such service.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the Enrolling Committees of the Senate and House be directed to employ such assistance as they may deem necessary to assist the Enrolling Clerks of their respective bodies in enrolling the bills hereafter passed by this General Assembly ; that they keep a strict account of each page so enrolled, and that compensation for such work shall not exceed twenty-five cents per page, the committee reporting number of pages so enrolled and amount agreed to be allowed for payment out of the Treasury. These committees shall also have the power to bring to their service any employe of their respective bodies who can be made available for this purpose, and not otherwise especially engaged.

§ 2. To facilitate adjournment of this General Assembly an emergency is hereby declared, and this act shall take effect when approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	J. P. O'Meara,
Lewis Alexander, Sr.,	J. C. Glenn,	Thos. S. Pettit,
W. W. Ayres,	S. M. Gough,	J. F. Porter,
W. S. Bailey,	Thos. H. Hanks,	A. T. Pullen,
R. F. Bass,	U. G. Harlow,	I. M. Quigley,
W. P. Beard,	R. K. Hart,	C. D. Reed,
B. T. Birkhead,	W. J. Hissem,	R. E. Roberts,
P. S. Bruner,	F. W. Hutcheson,	D. H. Severs,
Polk Cansler,	Daniel James,	Waller Sharp,

B. E. Caudill,	W. W. Johnson,	S. H. Shouse,
R. F. Comer,	T. S. Kirk,	W. R. Stewart,
L. J. Cox,	Lewis Y. Leavell,	J. R. Summers,
J. S. Cullen,	H. P. Lively,	Lewis E. Thomas,
James R. Dean,	W. H. May,	John M. Tinsley,
J. E. Durham,	John S. May,	D. W. Tribble,
Geo. Will. Follis,	Hiram McElroy,	B. F. Willett,
J. M. Frazee,	Eli Nicholls,	John D. Woods—52.
Wm. Garrison,		

Those who voted in the negative, were—

P. R. Hays, J. S. Joplin—2.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took up for consideration the special order of the day, viz :

S. Resolution 63. Resolution providing for a *sine die* adjournment of the General Assembly.

Said resolution reads as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky : That this General Assembly shall stand adjourned *sine die* on the 15th day of June, 1893, at 12 o'clock, M., of that day.

Mr. Cansler moved to amend said resolution by striking out "15th" and inserting in lieu thereof "22d."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Bailey and Cansler, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	R. K. Hart,	Eli Nicholls,
W. W. Ayres,	Daniel James,	J. P. O'Meara,
W. S. Bailey,	W. W. Johnson,	J. F. Porter,
Polk Cansler,	T. S. Kirk,	S. H. Shouse,
R. F. Comer,	H. P. Lively,	John D. Woods—17.
L. J. Cox,	Hiram McElroy,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	S. M. Gough,	I. M. Quigley,
W. P. Beard,	Thos. H. Hanks,	C. D. Reed,

B. F. Bennett,	P. R. Hays,	R. E. Roberts,
B. T. Birkhead,	W. J. Hissem,	D. H. Severs,
P. S. Bruner,	F. W. Hutcheson,	Waller Sharp,
B. E. Caudill,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	Lewis E. Thomas,
James R. Dean,	Lewis Y. Leavell,	John M. Tinsley,
J. E. Durham,	W. H. May,	D. W. Tribble,
J. M. Frazee,	John S. May,	J. H. Welch,
J. P. Gay,	Thos. S. Pettit,	B. F. Willett—35.
J. C. Glenn,	A. T. Pullen,	

Mr. Pettit moved to amend said resolution by striking out "June 15th" and inserting in lieu thereof "July 3d."

Said amendment was adopted.

The yeas and nays being required thereon by Messrs. Quigley and Cansler, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	S. M. Gough,	Thos. S. Pettit,
Lewis Alexander, Sr.,	Geo. T. Halbert,	E. M. Pryse,
R. F. Bass,	Thos. H. Hanks,	I. M. Quigley,
W. P. Beard,	U. G. Harlow,	C. D. Reed,
B. T. Birkhead,	R. K. Hart,	R. E. Roberts,
P. S. Bruner,	P. R. Hays,	Waller Sharp,
B. E. Caudill,	W. J. Hissem,	S. H. Shouse,
J. S. Cullen,	F. W. Hutcheson,	W. R. Stewart,
James R. Dean,	W. W. Johnson,	Lewis E. Thomas,
J. E. Durham,	R. M. Kincheloe,	John M. Tinsley,
George Will. Follis,	T. S. Kirk,	D. W. Tribble,
J. M. Frazee,	H. P. Lively,	J. H. Welch,
Wm. Garrison,	W. H. May,	B. F. Willett,
J. P. Gay,	J. P. O'Meara,	John D. Woods—43.
J. C. Glenn,		

Those who voted in the negative, were—

W. W. Ayres,	L. J. Cox,	J. F. Porter,
W. S. Bailey,	Lewis Y. Leavell,	A. T. Pullen,
Polk Cansler,	Hiram McElroy,	D. H. Severs,
R. F. Comer,	Eli Nicholls,	J. R. Summers—12.

Ordered, That said resolution be read the third time.

Said resolution was read the third time, as amended, and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. C. Glenn,	J. P. O'Meara,
Lewis Alexander, Sr.,	S. M. Gough,	Thos. S. Pettit,
W. W. Ayres,	Geo. T. Halbert,	J. F. Porter,
W. S. Bailey,	Thos. H. Hanks,	E. M. Pryse,
R. F. Bass,	U. G. Harlow,	A. T. Pullen,
W. P. Beard,	R. K. Hart,	I. M. Quigley,
B. F. Bennett,	W. J. Hissem,	C. D. Reed,
B. T. Birkhead,	F. W. Hutcheson,	R. E. Roberts,
P. S. Bruner,	Daniel James,	Waller Sharp,
B. E. Caudill,	W. W. Johnson,	S. H. Shouse,
R. F. Comer,	R. M. Kincheloe,	W. R. Stewart,
L. J. Cox,	T. S. Kirk,	J. R. Summers,
J. S. Cullen,	Lewis Y. Leavell,	Lewis E. Thomas,
James R. Dean,	H. P. Lively,	John M. Tinsley,
J. E. Durham,	W. H. May,	D. W. Tribble,
George Will Follis,	John S. May,	J. H. Welch,
J. M. Frazee,	Hiram McElroy,	B. F. Willett,
Wm. Garrison,	Eli Nicholls,	John D. Woods—55.
J. P. Gay,		

Those who voted in the negative, were—

P. R. Hays, D. H. Severs—2.

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 557, entitled
A bill to enable incorporated colleges and universities located
in this Commonwealth to establish adjunct schools and colleges.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That any incorporated college or university located in this Commonwealth shall have power to establish adjunct schools and colleges in any part of the Commonwealth, to be operated in connection with and under the auspices of the college or university by which they shall be established, and for the purpose of establishing, operating and controlling said adjunct schools and colleges, the institution establishing them shall have power to solicit and receive subscriptions and donations of money and other property.

§ 2. All money and property subscribed, donated, or otherwise procured for the benefit of any adjunct school or college, shall be held and applied by the board of trustees or curators of the institution establishing them, for the purpose of establishing,

maintaining and controlling said adjunct school or college; and said board of managers shall have power to procure grounds and erect buildings thereon for their use and occupation; to appoint and remove teachers for the same; to prescribe a course of study for the students thereof, and confer degrees of graduation therefrom, and to exercise the same general supervision and control over them that they are empowered by their several charters to exercise over the affairs of their respective institutions.

§ 3. This act shall take effect ninety days after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Eli Nicholls,
Lewis Alexander, Sr.,	J. C. Glenn,	J. P. O'Meara,
W. W. Ayres,	S. M. Gough,	Thos. S. Pettit,
W. S. Bailey,	Thos. H. Hanks,	E. M. Pryse,
R. F. Bass,	U. G. Harlow,	A. T. Pullen,
W. P. Beard,	R. K. Hart,	I. M. Quigley,
B. F. Bennett,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	R. E. Roberts,
Polk Cansler,	F. W. Hutcheson,	Waller Sharp,
B. E. Caudill,	Daniel James,	S. H. Shouse,
R. F. Comer,	W. W. Johnson,	W. R. Stewart,
L. J. Cox,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	T. S. Kirk,	Lewis E. Thomas,
James R. Dean,	Lewis Y. Leavell,	John M. Tinsley,
J. E. Durham,	H. P. Lively,	D. W. Tribble,
George Will. Follis,	W. H. May,	B. F. Willett,
J. M. Frazee,	John S. May,	John D. Woods—53.
Wm. Garrison,	Hiram McElroy,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. O'Meara, from the Committee on General Statutes, reported H. B. 570, entitled

A bill to repeal an act, entitled "An act to incorporate the town of East View, in Hardin county," approved May 16, 1890.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

And then the House adjourned.

TUESDAY, JUNE 13, 1893.

The House was opened with prayer by Rev. W. C. Taylor, of the Baptist Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	Wm. Garrison,	W. H. May,
Lewis Alexander, Sr.,	J. C. Glenn,	John S. May,
W. W. Ayres,	S. M. Gough,	Hiram McElroy,
W. S. Bailey,	Geo. T. Halbert,	Eli Nicholls,
R. F. Bass,	Thos. H. Hanks,	J. P. O'Meara,
W. P. Beard,	U. G. Harlow,	Thos. S. Pettit,
B. F. Bennett,	A. L. Harned,	J. F. Porter,
B. T. Birkhead,	H. K. Hay,	E. M. Pryse,
P. S. Bruner,	P. R. Hays,	A. T. Pullen,
Polk Cansler,	B. B. Hensley,	C. D. Reed,
B. E. Caudill,	W. J. Hissem,	D. H. Severs,
A. H. Charlton,	Berry Howard,	S. H. Shouse,
F. P. Combest,	F. W. Hutcheson,	C. C. Spalding,
R. F. Comer,	W. W. Johnson,	W. R. Stewart,
J. S. Cullen,	R. M. Kincheloe,	J. R. Summers,
James R. Dean,	T. S. Kirk,	Lewis E. Thomas,
J. E. Durham,	William Krieger,	John M. Tinsley,
D. B. Edmiston,	Lewis Y. Leavell,	B. F. Willett,
John Finn,	H. P. Lively,	John D. Woods—59.
George Will. Follis,	C. W. Mathers,	

The following members were absent, viz :

T. J. Arnett,	J. P. Gay,	R. E. Roberts,
Posey D. Ball,	R. K. Hart,	John Ryan,
John Bartman,	Daniel James,	Waller Sharp,
John T. Bashaw,	J. S. Joplin,	Fenton Sims,
John Botts,	Henry Kremer,	W. W. Stephenson,
A. J. Carroll,	Jno. M. Letterle,	Samuel O. Tate,
L. J. Cox,	M. D. McInerney,	J. R. Thomas,
W. J. Cox,	Harvey Myers,	D. W. Tribble,
Wesley Crow,	W. F. Neat,	N. S. Walton,
J. M. Dawson, Jr.,	John Lee Payne,	J. H. Welch,
E. M. Dickson,	W. F. Peak,	H. P. Whitaker,
McD. Ferguson,	J. A. Perkins,	Geo. E. Willett,
J. M. Frazee,	Granville Philpot,	R. B. Wilson—41.
Ben. F. Gardner,	I. M. Quigley,	

The Journal of yesterday was approved.

Mr. Beard presented the petition of sundry citizens of Mt. Eden, Spencer county, asking authority to choose a police judge.

Said petition was received, its reading dispensed with, and referred to the Committee on Municipalities.

Mr. Bass, from the Committee on Internal Improvements, reported H. B. 468, entitled

A bill to regulate toll on turnpike, gravel and plank roads in this Commonwealth.

Said bill was read the first time, ordered to be printed, and read the second time on another day.

Mr. Halbert, from the Committee on General Statutes, reported H. B. 569, entitled

A bill defining grand and petit larceny, and fixing the punishment thereof,

With the expression of opinion that it should not pass.

The question being taken on ordering said bill to be read the second time and printed, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Mr. Halbert, from the Committee on General Statutes, reported H. B. 522, entitled

A bill to amend an act, entitled "An act relating to crimes and punishments," approved April 10, 1893,

Without an expression of opinion.

The question being taken on ordering said bill to be read the third time, it was decided in the negative.

Mr. O'Meara entered a motion to reconsider the vote by which said bill was refused its second reading.

The House took from the orders of the day a resolution in relation to pay of members.

Mr. McElroy moved to postpone until Monday, July 3, 1893. Said motion was adopted.

The House took up for consideration the special order of the day, entitled

S. B. 224. An act dividing the State into thirty-eight Senatorial Districts.

The question being taken on the motion, heretofore entered by Mr. Birkhead, to reconsider the vote by which the House adopted an amendment moved by Mr. Caudill, to place the

county of Johnson in the thirty-fourth district, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. John S. May and Cansler, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Thos. H. Hanks,	A. T. Pullen,
Lewis Alexander, Sr.,	U. G. Harlow,	I. M. Quigley,
W. S. Bailey,	A. L. Harned,	C. D. Reed,
John Bartman,	R. K. Hart,	R. E. Roberts,
R. F. Bass,	H. K. Hay,	John Ryan,
W. P. Beard,	B. B. Hensley,	D. H. Severs,
John Botts,	R. M. Kincheloe,	Waller Sharp,
A. J. Carroll,	Henry Kremer,	S. H. Shouse,
A. H. Charlton,	William Krieger,	C. C. Spalding,
L. J. Cox,	Lewis Y. Leavell,	J. R. Summers,
J. M. Prazee,	C. W. Mathers,	Lewis E. Thomas,
Wm. Garrison,	W. H. May,	D. W. Tribble,
J. P. Gay,	Hiram McElroy,	J. H. Welch,
J. C. Glenn,	Harvey Myers,	B. F. Willett,
S. M. Gough,	J. P. O'Meara,	John D. Woods—46.
Geo. T. Halbert,		

Those who voted in the negative, were—

W. W. Ayres,	J. E. Durham,	H. P. Lively,
B. F. Bennett,	D. B. Edmiston,	John S. May,
B. T. Birkhead,	John Finn,	Eli Nicholls,
P. S. Bruner,	P. R. Hays,	Thos. S. Pettit,
Polk Cansler,	W. J. Hissem,	J. F. Porter,
B. E. Caudill,	Berry Howard,	E. M. Pryse,
F. P. Combest,	F. W. Hutcheson,	W. R. Stewart,
R. F. Comer,	W. W. Johnson,	John M. Tinsley—26.
J. S. Cullen,	T. S. Kirk,	

The question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Caudill and Hissem, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	J. E. Durham,	H. P. Lively,
B. F. Bennett,	John Finn,	John S. May,
B. T. Birkhead,	P. R. Hays,	Eli Nicholls,
P. S. Bruner,	W. J. Hissem,	Thos. S. Pettit,

Polk Cansler,	Berry Howard,	J. F. Porter,
B. E. Caudill,	F. W. Hutcheson,	E. M. Pryse,
F. P. Combest,	W. W. Johnson,	W. R. Stewart,
R. F. Comer,	T. S. Kirk,	John M. Tinsley—25.
J. S. Cullen,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	Geo. T. Halbert,	A. T. Pullen,
Lewis Alexander, Sr.,	Thos. H. Hanks,	I. M. Quigley,
W. S. Bailey,	U. G. Harlow,	C. D. Reed,
John Bartman,	A. L. Harned,	R. E. Roberts,
R. F. Bass,	R. K. Hart,	John Ryan,
W. P. Beard,	H. K. Hay,	D. H. Severs,
John Botts,	B. B. Hensley,	Waller Sharp,
A. J. Carroll,	R. M. Kincheloe,	S. H. Shouse,
A. H. Charlton,	Henry Kremer,	C. C. Spalding,
L. J. Cox,	William Krieger,	W. W. Stephenson,
George Will. Follis,	Lewis Y. Leavell,	J. R. Summers,
J. M. Frazee,	C. W. Mathers,	Lewis E. Thomas,
Wm. Garrison,	W. H. May,	D. W. Tribble,
J. P. Gay,	Hiram McElroy,	J. H. Welch,
J. C. Glenn,	Harvey Myers,	B. F. Willett,
S. M. Gough,	J. P. O'Meara,	John D. Woods—48.

Mr. Caudill moved the following amendment to said bill, viz :

Amend by adding Gallatin to the twenty-first district. The twenty-first district would then be composed of the counties of Henry, Oldham, Trimble, Carroll and Gallatin.

Twenty-third District—By striking out Gallatin and insert Grant and Pendleton. The twenty-third district would then be composed of the counties of Boone, Owen, Grant and Pendleton.

Twenty-sixth District—By striking out Bracken, Pendleton and Grant, and insert Martin, Floyd, Pike, Knott and Letcher. The twenty-sixth district would then be composed of the counties of Martin, Floyd, Pike, Knott and Letcher.

Thirtieth District—By adding Bracken. The thirtieth district would then be composed of the counties of Nicholas, Harrison, Robertson and Bracken.

Thirty-third District—By striking out Martin, Floyd, Knott, Pike, Letcher and Johnson, and insert Bell, Knott, Owsley and Leslie. The thirty-third district would then be composed of the counties of Bell, Knott, Clay, Leslie, Harlan, Perry and Owsley.

Thirty-fourth District—By striking out Owsley and insert Johnson. The thirty-fourth district would then be composed of the counties of Johnson, Morgan, Magoffin, Breathitt and Wolfe.

Seventeenth District—By striking out Knox and Bell. The

Seventeenth district would then be composed of the counties of Laurel, Pulaski, Whitley, Rockcastle and Jackson.

Said amendments were rejected.

The yeas and nays being required thereon by Messrs. Kirk and John S. May, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	James R. Dean,	H. P. Lively,
B. F. Bennett,	J. E. Durham,	John S. May,
B. T. Birkhead,	P. R. Hays,	Eli Nicholls,
P. S. Bruner,	Berry Howard,	Thos. S. Pettit,
Polk Cansler,	F. W. Hutcheson,	J. F. Porter,
B. E. Caudill,	W. W. Johnson,	E. M. Pryse,
F. P. Combest,	T. S. Kirk,	W. R. Stewart,
R. F. Comer,	Lewis Y. Leavell,	John M. Tinsley—25.
J. S. Cullen,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	S. M. Gough,	C. D. Reed,
Lewis Alexander, Sr.,	Thos. H. Hanks,	R. E. Roberts,
W. S. Bailey,	U. G. Harlow,	John Ryan,
John Bartman,	A. L. Harued,	D. H. Severs,
R. F. Bass,	R. K. Hart,	Waller Sharp,
W. P. Beard,	B. B. Hensley,	S. H. Shouse,
John Botts,	R. M. Kincheloe,	C. C. Spalding,
A. J. Carroll,	Henry Kremer,	W. W. Stephenson,
A. H. Charlton,	W. H. May,	J. R. Summers,
L. J. Cox,	Hiram McElroy,	Lewis E. Thomas,
John Finn,	Harvey Myers,	D. W. Tribble,
George Will. Follis,	J. P. O'Meara,	J. H. Welch,
J. M. Frazee,	A. T. Pullen,	B. F. Willett,
J. P. Gay,	I. M. Quigley,	John D. Woods—42.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed.

[*See Bill in House Journal May 30, 1893, and June 7, 1893.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	A. T. Pullen,
Lewis Alexander, Sr.,	J. C. Glenn,	I. M. Quigley,
W. W. Ayres,	S. M. Gough,	C. D. Reed,

W. S. Bailey,	Thos. H. Hanks,	R. E. Roberts,
John Bartman,	U. G. Harlow,	John Ryan,
R. F. Bass,	A. L. Harned,	D. H. Severs,
W. P. Beard,	R. K. Hart,	Waller Sharp,
B. T. Birkhead,	H. K. Hay,	S. H. Shouse,
John Botts,	B. B. Hensley,	C. C. Spalding,
A. J. Carroll,	R. M. Kincheloe,	W. W. Stephenson,
A. H. Charlton,	Henry Kremer,	J. R. Summers,
L. J. Cox,	C. W. Mathers,	Lewis E. Thomas,
James R. Dean,	W. H. May,	D. W. Tribble,
D. B. Edmiston,	Hiram McElroy,	J. H. Welch,
John Finn,	Harvey Myers,	H. P. Whitaker,
J. M. Frazee,	J. P. O'Meara,	B. F. Willett,
Wm. Garrison,	Thos. S. Pettit,	John D. Woods—51.

Those who voted in the negative, were—

B. F. Bennett,	P. R. Hays,	H. P. Lively,
P. S. Bruner,	W. J. Hissem,	John S. May,
Polk Cansler,	Berry Howard,	Eli Nicholls,
B. E. Caudill,	F. W. Hutcheson,	J. F. Porter,
R. F. Comer,	W. W. Johnson,	E. M. Pryse,
J. S. Cullen,	T. S. Kirk,	W. R. Stewart,
J. E. Durham,	Lewis Y. Leavell,	John M. Tinsley—22.
Geo. T. Halbert,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 562; entitled

A bill to provide for the levy and collection of a tax in certain common school districts to pay off indebtedness incurred by the trustees of such school districts in erecting and furnishing school-houses.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

WHEREAS, The trustees of some of the common school districts in this State have borrowed money, and have expended the same in erecting and furnishing school-houses in their respective districts; and whereas, the present rate of taxation authorized by law is wholly insufficient to pay off and discharge such indebtedness so incurred within a reasonable time; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the trustees of all common school districts in this State, in which said trustees have heretofore borrowed money, and have expended the same in erecting and fur-

nishing school-houses in their respective districts, and where the indebtedness so incurred remains unpaid, and the present rate of taxation authorized by law is insufficient to raise a sum in said districts sufficient to pay off and discharge said indebtedness with in two years, the said trustees are authorized and empowered to order a tax, not exceeding the sum of twenty-five cents on each one hundred dollars' worth of taxable property in their respective districts, each and every year hereafter, until a sum sufficient has been raised to pay off and discharge such indebtedness so incurred.

§ 2. Said tax should be levied and collected as provided by law for the levy and collection of the present school tax: *Provided*, That no tax shall be levied or collected from the property of colored persons to pay any indebtedness incurred for the benefit of schools for white children.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	Harvey Myers,
Lewis Alexander, Sr.,	J. P. Gay,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
R. F. Bass,	Geo. T. Halbert,	E. M. Pryse,
W. P. Beard,	Thos. H. Hanks,	A. T. Pullen,
B. F. Bennett,	A. L. Harned,	I. M. Quigley,
B. T. Birkhead,	R. K. Hart,	C. D. Reed,
John Botts,	H. K. Hay,	John Ryan,
P. S. Bruner,	P. R. Hays,	D. H. Severs,
A. J. Carroll,	B. B. Hensley,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	C. C. Spalding,
A. H. Charlton,	W. W. Johnson,	W. R. Stewart,
F. P. Combest,	R. M. Kincheloe,	J. R. Summers,
R. F. Comer,	T. S. Kirk,	Lewis E. Thomas,
L. J. Cox,	Henry Kremer,	John M. Tinsley,
J. S. Cullen,	Lewis Y. Leavell,	D. W. Tribble,
James R. Dean,	H. P. Lively,	J. H. Welch,
J. E. Durham,	C. W. Mathers,	H. P. Whitaker,
D. B. Edmiston,	W. H. May,	B. F. Willett,
John Finn,	John S. May,	John D. Woods—65.
J. M. Frazee,	Hiram McElroy,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day S. B. 247, entitled

An act to amend an act to regulate the running at large of stock, approved May 16, 1893, and declaring an emergency.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That an act, entitled "An act to regulate the running at large of stock," approved May 16, 1893, be, and the same is hereby, amended, by adding thereto the following additional section, to be known as section 8, viz :

§ 8. Whereas, the aforesaid bill provides for submitting the question of permitting stock to run at large to a vote of the people ; and whereas, it is desired by many of the counties to hold said election on the Tuesday after the first Monday in November, 1893, and without an emergency clause they may not be enabled to do so ; therefore, an emergency be, and is hereby, declared to exist therefor, and this act shall take effect upon the approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. C. Glenn,	E. M. Pryse,
Lewis Alexander, Sr.,	S. M. Gough,	A. T. Pullen,
W. S. Bailey,	Geo. T. Halbert,	I. M. Quigley,
R. F. Bass,	Thos. H. Hanks,	C. D. Reed,
W. P. Beard,	A. L. Harned,	R. E. Roberts,
B. F. Bennett,	P. R. Hays,	John Ryan,
B. T. Birkhead,	B. B. Hensley,	D. H. Severs,
John Botts,	F. W. Hutcheson,	Waller Sharp,
A. J. Carroll,	Daniel James,	S. H. Shouse,
A. H. Charlton,	T. S. Kirk,	C. C. Spalding,
L. J. Cox,	Henry Kremer,	J. R. Summers,
D. B. Edmiston,	Louis Y. Leavell,	Lewis E. Thomas,
John Finn,	C. W. Mathers,	D. W. Tribble,
George Will. Follis,	W. H. May,	H. P. Whitaker,
J. M. Frazee,	John S. May,	John D. Woods—46.
Wm. Garrison,		

Those who voted in the negative, were—

W. W. Ayres,	H. K. Hay,	Thos. S. Pettit,
P. S. Bruner,	W. W. Johnson,	J. F. Porter,
Polk Cansler,	H. P. Lively,	W. R. Stewart,
B. E. Caudill,	Hiram McElroy,	John M. Tinsley,
J. S. Cullen,	Eli Nicholls,	B. F. Willett—16.
James R. Dean,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McElroy entered a motion to reconsider the vote by which the House passed said bill.

The House took from the orders of the day H. B. 561, entitled A bill authorizing the Public Printer to print 1,000 copies of certain city charters.

Ordered, That said bill be read the third time.

Said bill was read the third time as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the Public Printer be, and he is hereby, directed to print 1,000 copies each of charters of the first, second, third, fourth and fifth class cities as soon as said charters have been approved by the Governor.

§ 2. An emergency is declared. The necessity therefor being that the people and municipalities should have at once the information therein contained. This act shall take effect when approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	Geo. T. Halbert,	Eli Nicholls,
W. S. Bailey,	Thos. H. Hanks,	Thos. S. Pettit,
R. F. Bass,	U. G. Harlow,	J. F. Porter,
W. P. Beard,	A. L. Harned,	E. M. Pryse,
B. T. Birkhead,	R. K. Hart,	A. T. Pullen,
John Botts,	H. K. Hay,	I. M. Quigley,
P. S. Bruner,	B. B. Hensley,	C. D. Reed,
Polk Cansler,	W. J. Hissem,	R. E. Roberts,
A. H. Charlton,	F. W. Hutcheson,	John Ryan,
L. J. Cox,	Daniel James,	D. H. Severs,
J. S. Cullen,	W. W. Johnson,	S. H. Shouse,
James R. Dean,	R. M. Kincheloe,	C. C. Spalding,
J. E. Durham,	T. S. Kirk,	J. R. Summers,
D. B. Edmiston,	Henry Kremer,	Lewis E. Thomas,
John Finn,	Lewis Y. Leavell,	John M. Tinsley,
George Will Follis,	W. H. May,	J. H. Welch,
J. M. Frazee,	John S. May,	B. F. Willett,
J. P. Gay,	Hiram McElroy,	R. B. Wilson,
J. C. Glenn,	M. D. McInerney,	John D. Woods—58.
S. M. Gough,		

Those who voted in the negative, were—

Lewis Alexander, Sr., P. R. Hays, C. W. Mathers—3.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined enrolled bills and a joint resolution, which originated in the House, of the following titles, viz:

H. B. 165. An act fixing definitely the compensation of the Governor of the Commonwealth, and abolishing all incidental expenses attached to the office;

H. B. 388. An act relating to roads and passways;

H. B. 489. An act to appropriate money to reimburse A. L. Harned for money expended in his contest;

H. B. 490. An act to appropriate money for building or repairing shops in the State prison in the city of Frankfort, and providing for the execution of the work;

H. B. 105. Resolution directing the Public Printer to print 1,000 copies of the charter for cities and towns of the sixth class;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills and resolution would now be read, and that he would sign the same to the end that they might become laws.

Said bills and resolution were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills and resolution to the Senate.

After a time the Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills and resolution to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

The House took from the orders of the day S. B. 245, entitled

An act concerning turnpike road bonds issued, or to be issued, under laws heretofore enacted, and taxes to be levied to pay the same.

Ordered, That said bill be read the third time.

267—H.

The House took from the orders of the day S. Resolution 59, entitled

Resolution providing a curator for the cabinet and other property of the Geological Survey.

Ordered, That said resolution be read the third time.

Said bill was read the third time and adopted, as follows, viz :

Be it resolved by the General Assembly of the Commonwealth of Kentucky : 1. That the Inspector of Mines, in addition to his other duties, shall be *ex officio* curator of the cabinet and other property of the Geological Survey, and into whose care and keeping all the records, documents, collections, instruments, apparatus, books, maps and other property of the Survey are hereby confided, and which shall become a part of his office.

§ 2. All persons having control or possession of any of said property, or the rooms formerly designated or occupied for the use of the Survey, are hereby directed to surrender the possession thereof to the said curator.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	John Finn,	John S. May,
Lewis Alexander, Sr.,	J. M. Frazee,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	E. M. Pryse,
R. F. Bass,	Geo. T. Halbert,	A. T. Pullen,
W. P. Beard,	Thos. H. Hanks,	John Ryan,
B. T. Birkhead,	A. L. Harned,	D. H. Severs,
John Botts,	H. K. Hay,	Waller Sharp,
P. S. Bruner,	P. R. Hays,	S. H. Shouse,
Polk Cansler,	B. B. Hensley,	C. C. Spalding,
B. E. Caudill,	W. J. Hissem,	W. W. Stephenson,
A. H. Charlton,	F. W. Hutcheson,	W. R. Stewart,
L. J. Cox,	Daniel James,	J. R. Summers,
J. S. Cullen,	W. W. Johnson,	Lewis E. Thomas,
James R. Dean,	Henry Kremer,	John M. Tinsley,
J. E. Durham,	H. P. Lively,	R. B. Wilson,
D. B. Edmiston,	W H. May,	John D. Woods—51.

In the negative—none.

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

Mr. Kirk introduced H. Resolution 111, entitled

Resolution directing the Public Printer to print one thousand copies of the bill regulating the running at large of stock ; referred to the Committee on Printing and Accounts.

And then the House adjourned.

WEDNESDAY, JUNE 14, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	J. M. Fræzee,	John S. May,
Lewis Alexander, Sr.,	Wm. Garrison,	Hiram McElroy,
W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
W. S. Bailey,	S. M. Gough,	W. F. Peak,
R. F. Bass,	Geo. T. Halbert,	Thos. S. Pettit,
W. P. Beard,	Thos. H. Hanks,	J. F. Porter,
B. F. Bennett,	U. G. Harlow,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
John Botts,	H. K. Hay,	C. D. Reed,
P. S. Bruner,	P. R. Hays,	John Ryan,
Polk Cansler,	B. B. Hensley,	D. H. Severs,
B. E. Caudill,	W. J. Hissem,	S. H. Shouse,
A. H. Charlton,	F. W. Hutcheson,	C. C. Spalding,
F. P. Combest,	Daniel James,	W. W. Stephenson,
R. F. Comer,	W. W. Johnson,	W. R. Stewart,
L. J. Cox,	J. S. Joplin,	J. R. Summers,
W. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
J. S. Cullen,	T. S. Kirk,	John M. Tinsley,
James R. Dean,	William Krieger,	D. W. Tribble,
J. E. Durham,	Lewis Y. Leavell,	N. S. Walton,
D. B. Edmiston,	H. P. Lively,	J. H. Welch,
John Finn,	C. W. Mathers,	B. F. Willett,
George Will. Follis,	W. H. May,	John D. Woods—69.

The following members were absent, viz :

T. J. Arnett,	R. K. Hart,	Granville Philpot,
Posey D. Ball,	Berry Howard,	I. M. Quigley,
John Bartman,	Henry Kremer,	R. E. Roberts,
John T. Bashaw,	John M. Letterle,	Waller Sharp,
A. J. Carroll,	M. D. McInerney,	Fenton Sims,
Wesley Crow,	Harvey Myers,	Samuel O. Tate,
J. M. Dawson, Jr.,	W. F. Neat,	J. R. Thomas,
E. M. Dickson,	J. P. O'Meara,	H. P. Whitaker,
McD. Ferguson,	John Lee Payne,	Geo. E. Willett,
Ben F. Gardner,	J. A. Perkins,	R. B. Wilson—31.
J. P. Gay,		

The Journal of yesterday was approved.

Mr. McElroy called up the motion, heretofore made by him, to reconsider the vote by which S. B. 247 was rejected.

Said motion was adopted.

Said bill was then passed.

[*See Bill in House Journal June 13, 1893.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	S. M. Gough,	Thos. S. Pettit,
Lewis Alexander, Sr.,	Geo. T. Halbert,	E. M. Pryse,
W. S. Bailey,	Thos. H. Hanks,	A. T. Pullen,
John Bartman,	U. G. Harlow,	I. M. Quigley,
R. F. Bass,	A. L. Harned,	C. D. Reed,
W. P. Beard,	P. R. Hays,	John Ryan,
B. F. Bennett,	B. B. Hensley,	D. H. Severs,
John Botts,	W. J. Hissem,	S. H. Shouse,
P. S. Bruner,	F. W. Hutcheson,	W. W. Stephenson,
A. J. Carroll,	Daniel James,	J. R. Summers,
A. H. Charlton,	T. S. Kirk,	Lewis E. Thomas,
R. F. Comer,	William Krieger,	J. R. Thomas,
L. J. Cox,	Lewis Y. Leavell,	D. W. Tribble,
D. B. Edmiston,	W. H. May,	N. S. Walton,
John Finn,	Hiram McElroy,	J. H. Welch,
George Will. Follis,	Harvey Myers,	H. P. Whitaker,
J. M. Frazee,	J. P. O'Meara,	R. B. Wilson,
Wm. Garrison,	W. F. Peak,	John D. Woods—55.
J. C. Glenn,		

Those who voted in the negative, were—

W. W. Ayres,	W. W. Johnson,	John. S. May,
Polk Cansler,	J. S. Joplin,	J. F. Porter,
W. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	H. P. Lively,	John M. Tinsley,
J. E. Durham,	C. W. Mathers,	B. F. Willett—15.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Peak moved to reconsider the vote by which the resolution, heretofore moved by him, to deduct pay of members of the General Assembly from their per diem for absenteeism, was made a special order for July 3, 1893.

Said motion was rejected.

The yeas and nays being required thereon by Messrs. Peak and Woods, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Thos. H. Hanks,	J. F. Porter,
Lewis Alexander, Sr.,	H. K. Hay,	A. T. Pullen,
W. W. Ayres,	P. R. Hays,	C. D. Reed,
John Botts,	W. J. Hissem,	S. H. Shouse,
P. S. Bruner,	F. W. Hutcheson,	W. W. Stephenson,
B. E. Caudill,	T. S. Kirk,	W. R. Stewart,
R. F. Comer,	H. P. Lively,	J. R. Summers,
J. S. Cullen,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	John S. May,	John M. Tinsley,
John Finn,	Eli Nicholls,	N. S. Walton,
J. C. Glenn,	W. F. Peak,	John D. Woods—35.
Geo. T. Halbert,	Thos. S. Pettit,	

Those who voted in the negative, were—

W. S. Bailey,	Wm. Garrison,	Hiram McElroy,
John Bartman,	J. P. Gay,	Harvey Myers,
R. F. Bass,	S. M. Gough,	E. M. Pryse,
W. P. Beard,	U. G. Harlow,	I. M. Quigley,
B. F. Bennett,	A. L. Harned,	John Ryan,
Polk Cansler,	B. B. Hensley,	D. H. Severs,
A. J. Carroll,	Berry Howard,	Waller Sharp,
A. H. Charlton,	Daniel James,	C. C. Spalding,
F. P. Combest,	W. W. Johnson,	Lewis E. Thomas,
L. J. Cox,	J. S. Joplin,	J. H. Welch,
W. J. Cox,	William Krieger,	H. P. Whitaker,
James R. Dean,	Lewis Y. Leavell,	B. F. Willett,
D. B. Edmiston,	W. H. May,	R. B. Wilson—40.
J. M. Frazee,		

The House took from the orders of the day H. Resolution 110, entitled

Resolution to remove and locate the seat of government.

Said resolution was read the second time.

Mr. Hart called up the motion, heretofore entered by him, to reconsider the vote by which the House refused to order to its second reading S. B. 248, entitled

A bill to amend an act, entitled "An act to divide the State into one hundred Representative Districts."

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Kirk and Tinsley, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. C. Glenn,	John S. May,
W. S. Bailey,	S. M. Gough,	Hiram McElroy,
R. F. Bass,	Geo. T. Halbert,	M. D. McInerney,
W. P. Beard,	Thos. H. Hanks,	J. P. O'Meara,
John Botts,	U. G. Harlow,	I. M. Quigley,
A. J. Carroll,	A. L. Harned,	D. H. Severs,
B. E. Caudill,	R. K. Hart,	Waller Sharp,
A. H. Charlton,	H. K. Hay,	C. C. Spalding,
L. J. Cox,	Berry Howard,	W. W. Stephenson,
W. J. Cox,	Daniel James,	J. R. Summers,
James R. Dean,	W. W. Johnson,	Lewis E. Thomas,
D. B. Edmiston,	R. M. Kincheloe,	J. R. Thomas,
J. M. Frazee,	Lewis Y. Leavell,	D. W. Tribble,
Wm. Garrison,	John M. Letterle,	J. H. Welch,
Ben. F. Gardner,	C. W. Mathers,	B. F. Willett,
J. P. Gay,	W. H. May,	John D. Woods—48.

Those who voted in the negative, were—

W. W. Ayres,	W. J. Hissem,	Thos. S. Pettit,
B. F. Bennett,	F. W. Hutcheson,	J. F. Porter,
P. S. Bruner,	J. S. Joplin,	E. M. Pryse,
Polk Cansler,	T. S. Kirk,	C. D. Reed,
F. P. Combest,	Henry Kremer,	S. H. Shouse,
R. F. Comer,	H. P. Lively,	John M. Tinsley,
J. E. Durham,	W. F. Peak,	R. B. Wilson—22.
P. R. Hays,		

Ordered, That said bill be printed, and read the second time.

Said bill was read the second time.

Mr. Halbert, from the Committee on General Statutes, reported S. B. 252, entitled

An act to regulate the sale of dynamite, and providing a penalty for its unlawful use in this Commonwealth.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Walton, from the Committee on Printing and Accounts, reported H. Resolution 109, entitled

Resolution directing the Public Printer to print one thousand copies of an act relating to courts of justice.

Said resolution was read the first time, ordered to be printed, and read the second time on some other day.

The House took up for consideration the special order for this day, viz :

H. B. 544. A bill providing for the removal of the seat of government from the city of Frankfort, and the location of same in the city of Lexington.

Mr. Myers moved that the session of to-day be extended until the bill under consideration is disposed of.

Said motion was adopted.

Mr. Myers moved to reconsider the vote by which said motion was adopted, and moved to lay that motion on the table.

Said motion was rejected.

Mr. Myers moved the following substitute for said bill:

WHEREAS, The best interests of the State demand that the seat of government shall be removed ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the seat of government be, and the same is hereby, removed from the city of Frankfort to the city of _____, in which said city of _____ the seat of government shall hereafter be and remain.

§ 2. That the offer made by the city of _____, wherein said city proposes to donate to the State of Kentucky the sum of _____ dollars and a suitable site for the location of the Capitol buildings, be, and the same is hereby, accepted for the State of Kentucky, and the Governor is hereby authorized to execute in behalf of the State of Kentucky a contract in proper form, with the city of _____, securing to the State the benefits of the said proposal of said city.

§ 3. Whenever such contract shall be complied with by the city of _____, all records shall be removed to said city ; but pending the execution of said contract, the public business of the State of Kentucky shall be transacted in the city of Frankfort, unless suitable temporary arrangements shall be made for the transaction of such business at _____, in which event the Governor is hereby empowered to cause all records to be removed to _____, and all public business to be done at said place.

Mr. Pettit raised the point of order that said substitute was out of order, because the blanks therein were not filled, and said substitute was not complete.

The Speaker decided the point well taken.

From which decision Messrs. Myers and Carroll appealed as follows, viz :

The House having under consideration H. B. 544, entitled
 “An act providing for the removal of the seat of government from the city of Frankfort and the location of the same in the city of———,”

Mr. Myers offered the following substitute for said bill, to wit :

(See Substitute above.)

Thereupon Mr. Pettit made the point of order that said substitute was not in order, because the blanks therein were not filled, and said substitute was not complete, and the Chair held said point of order well taken, and ruled said substitute out of order, from which ruling the undersigned appeal to the House.

HARVEY MYERS,
 A. J. CARROLL.

The question being taken, “Shall the opinion of the Speaker stand as the decision of the House,” it was decided in the negative.

The yeas and nays being required thereon by Messrs. Myers and Pettit, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	U. G. Harlow,	J. P. O'Meara,
W. S. Bailey,	A. L. Harned,	Thos. S. Pettit,
Posey D. Ball,	R. K. Hart,	E. M. Pryse,
W. P. Beard,	P. R. Hays,	A. T. Pullen,
B. T. Birkhead,	Berry Howard,	I. M. Quigley,
John Botts,	R. M. Kincheloe,	Waller Sharp,
L. J. Cox,	Henry Kremer,	C. C. Spalding,
W. J. Cox,	John S. May,	W. W. Stephenson,
George Will. Follis,	Hiram McElroy,	J. R. Summers,
J. M. Frazee,	M. D. McInerney,	J. R. Thomas,
J. C. Glenn,	Eli Nicholls,	N. S. Walton—34.
Thos. H. Hanks,		

Those who voted in the negative, were—

Lewis Alexander, Sr.,	Ben. F. Gardner,	W. H. May,
John Bartman,	J. P. Gay,	Harvey Myers,
R. F. Bass,	S. M. Gough,	W. F. Peak,

B. F. Bennett,	Geo. T. Halbert,	J. F. Porter,
P. S. Bruner,	H. K. Hay,	C. D. Reed,
Polk Cansler,	B. B. Hensley,	John Ryan,
A. J. Carroll,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	W. R. Stewart,
A. H. Charlton,	Daniel James,	Lewis E. Thomas,
F. P. Combest,	W. W. Johnson,	John M. Tinsley,
R. F. Comer,	J. S. Joplin,	D. W. Tribble,
J. S. Cullen,	T. S. Kirk,	J. H. Welch,
James R. Dean,	William Krieger,	H. P. Whitaker,
J. E. Durham,	Lewis Y. Leavell,	B. F. Willett,
D. B. Edmiston,	John M. Letterle,	R. B. Wilson,
John Finn,	H. P. Lively,	John D. Woods—50.
Wm. Garrison,	C. W. Mathers,	

Mr. Hart moved to amend said substitute by filling the first blank by inserting the word "Lexington."

Mr. Hay moved to substitute the word "Danville" for the word "Lexington."

Mr. Myers moved to refer said bill and amendments to the Committee of the Whole House, and that the House now resolve itself into the Committee of the Whole to consider the same.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Carroll and Severs, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Ben. F. Gardner,	John S. May,
R. F. Bass,	J. P. Gay,	Harvey Myers,
W. P. Beard,	S. M. Gough,	W. F. Peak,
B. F. Bennett,	Geo. T. Halbert,	J. F. Porter,
P. S. Bruner,	H. K. Hay,	C. D. Reed,
Polk Cansler,	B. B. Hensley,	R. E. Roberts,
A. J. Carroll,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	Berry Howard,	S. H. Shouse,
A. H. Charlton,	F. W. Hutcheson,	W. R. Stewart,
F. P. Combest,	Daniel James,	Lewis E. Thomas,
R. F. Comer,	W. W. Johnson,	J. R. Thomas,
W. J. Cox,	J. S. Joplin,	John M. Tinsley,
J. S. Cullen,	T. S. Kirk,	D. W. Tribble,
James R. Dean,	William Krieger,	N. S. Walton,
J. E. Durham,	Lewis Y. Leavell,	J. H. Welch,
D. B. Edmiston,	John M. Letterle,	B. F. Willett,
John Finn,	H. P. Lively,	R. B. Wilson,
J. M. Frazee,	C. W. Mathers,	John D. Woods—56.
Wm. Garrison,	W. H. May,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	A. L. Harned,	Thos. S. Pettit,
W. W. Ayres,	R. K. Hart,	E. M. Pryse,
W. S. Bailey,	P. R. Hays,	A. T. Pullen,
B. T. Birkhead,	R. M. Kincheloe,	I. M. Quigley,
John Botts,	Henry Kremer,	Waller Sharp,
L. J. Cox,	Hiram McElroy,	C. C. Spalding,
George Will. Follis,	M. D. McInerney,	W. W. Stephenson,
J. C. Glenn,	Eli Nicholls,	J. R. Summers,
Thos. H. Hanks,	J. P. O'Meara,	H. P. Whitaker—28.
U. G. Harlow,		

The House went into Committee of the Whole, with Mr. Hanks in the chair.

After a time the committee arose.

And then the House adjourned.

THURSDAY, JUNE 15, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	S. M. Gough,	Eli Nicholls,
Lewis Alexander, Sr.,	Geo. T. Halbert,	J. P. O'Meara,
W. W. Ayres,	Thos. H. Hanks,	W. F. Peak,
W. S. Bailey,	U. G. Harlow,	Thos. S. Pettit,
R. F. Bass,	A. L. Harned,	J. F. Porter,
W. P. Beard,	H. K. Hay,	E. M. Pryse,
B. F. Bennett,	P. R. Hays,	A. T. Pullen,
B. T. Birkhead,	W. J. Hissem,	C. D. Reed,
John Botts,	F. W. Hutcheson,	John Ryan,
P. S. Bruner,	Daniel James,	D. H. Severs,
B. E. Caudill,	W. W. Johnson,	Waller Sharp,
A. H. Charlton,	J. S. Joplin,	S. H. Shouse,
F. P. Combest,	R. M. Kincheloe,	C. C. Spalding,
R. F. Comer,	T. S. Kirk,	W. W. Stephenson,
L. J. Cox,	William Krieger,	W. R. Stewart,
W. J. Cox,	Lewis Y. Leavell,	J. R. Summers,

James R. Dean,	Jno. M. Letterle,	J. R. Thomas,
E. M. Dickson,	H. P. Lively,	John M. Tinsley,
J. E. Durham,	C. W. Mathers,	D. W. Tribble,
D. B. Edmiston,	W. H. May,	N. S. Walton,
John Finn,	John S. May,	J. H. Welch,
George Will. Follis,	Hiram McElroy,	B. F. Willett,
Wm. Garrison,	W. F. Neat,	John D. Woods—70.
J. C. Glenn,		

The following members were absent, viz :

T. J. Arnett,	J. M. Frazee,	J. A. Perkins,
Posey D. Ball,	Ben. F. Gardner,	Granville Philpot,
John Bartman,	J. P. Gay,	I. M. Quigley,
John T. Bashaw,	R. K. Hart,	R. E. Roberts,
Polk Cansler,	B. B. Hensley,	Fenton Sims,
A. J. Carroll,	Berry Howard,	Samuel O. Tate,
Wesley Crow,	Henry Kremer,	Lewis E. Thomas,
J. S. Cullen,	M. D. McInerney,	H. P. Whitaker,
J. M. Dawson, Jr.,	Harvey Myers,	Geo. E. Willett,
McD. Ferguson,	John Lee Payne,	R. B. Wilson—30.

The Journal of yesterday was approved.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed bills, which originated in the Senate, of the following titles, viz :

S. B. 200. An act to repeal an act prohibiting the sale of spirituous, vinous or malt liquors in the voting precincts of Mil-
lion and Poosey, in the county of Madison.

S. B. 238. An act to amend an act, entitled "An act to in-
crease the efficiency of the Inspector of Mines, and more fully
provide for the protection of the lives and health of persons
employed in the coal mines in this State," approved December
3d, 1892.

S. B. 208. An act relating to executions.

S. B. 201. An act to prevent and punish unlawful interference
with the transportation of freight and passengers, and the con-
duct of traffic in this Commonwealth.

S. B. 163. An act relating to courts of justice.

That they had passed bills, which originated in the House, of
the following titles, viz :

H. B. 383. An act concerning warehouses.

H. B. 534. An act for the government of cities of the first class,

With amendments to the two last-named bills.

That they had passed S. B. 241, entitled

An act to amend an act, entitled "An act providing for the creation and regulation of private corporations."

Ordered, That said bill be referred to the Committee on Corporate Institutions.

The House took from the Clerk's desk H. B. 534, entitled

A bill for the government of cities of the first class,

Together with the amendments proposed thereto by the Senate.

Said amendments were read as follows, viz :

Amend by striking out section 77 and inserting the following :

§ 1. The public parks in a city of the first class shall be held, managed and controlled by a board, under the name any style of the Board of Park Commissioners. Such board shall have power to contract and be contracted with, sue and be sued, and adopt a common seal.

§ 2. Said board shall consist of six persons, to be chosen as hereinafter provided, and the mayor of the city, who shall be *ex officio* a member of said board. The six members of said board shall be elected by the qualified voters of the city at the November election, 1893. The three members receiving the highest number of votes at said election shall hold for a term of four years, and the three receiving the next highest number of votes shall hold for a term of two years. Thereafter all members shall be elected for a term of four years. No person shall be elected or, after election, shall continue to be a member of said board or vote or act as such who is not a *bona fide* resident and housekeeper of the city, or who, after election, shall, for ten days, fail or refuse to take oath as herein provided.

§ 3. The persons elected as members of said board shall each, within ten days after election, make and subscribe oath before, to be attested by the county clerk or his deputies, to the effect that he will faithfully, diligently and to the best of his skill and ability, perform all the duties of such park commissioner, without favor or prejudice, that he is not subject to any of the prohibitions or disqualifications set out in this act, and that he will not be in any manner, and to any extent, directly or indirectly concerned in any contract, purchase, sale, salary or emolument of any kind connected with or growing out of any business of said board, or the providing, purchasing, condemning, managing or improving of any park property, or in supplying any labor, material or thing of

service in respect to same, save as herein permitted. Such oath shall be filed with the comptroller of the city, and shall be a public record.

§ 4. Each commissioner shall likewise, and within ten days of such election, execute bond in the sum of twenty-five thousand (\$25,000), payable to the city, with good security, to be approved by the mayor, conditioned that he will faithfully perform all duties of a park commissioner for the city as prescribed by law; which bond shall, when approved by the mayor, be filed with the comptroller and be a public record. For any violation by the principal in such bond of any duty as park commissioner, for any participation by him, directly or indirectly, or any contract or sub-contract in respect of park property or the improvement thereof, or the furnishing of supplies of any kind therefor, suit may be maintained upon such bond against the principal and sureties, such suit to be brought in the name of the city, and any recovery shall inure to the benefit of the fund for park purposes.

§ 5. All vacancies in said board shall be filled by appointment by the board, or by election in accordance with section 152 of the Constitution of Kentucky, and all commissioners now holding office shall continue to hold office until their successors are elected and qualified as provided herein.

§ 6. The commissioners shall annually, in November, choose one of the board other than the mayor to be president of the board, and another as vice-president, and the said board shall elect a secretary and treasurer and such other officers and employes as may be necessary, and may fix their duties and prescribe their compensation, their terms of office not to exceed one year. The board may exact bond, with security, from any officer or employe, and fix the terms and penalty of such bond. The board may, in its discretion, intrust the duties of more than one office to one employe or officer, and may, at any time, dismiss or discharge any officer or employe. The compensation of all officers, including the president, shall not exceed in the aggregate ten thousand dollars per annum.

§ 7. No member of the board of park commissioners other than the president thereof shall receive any compensation whatever, directly or indirectly, in respect of his services as member of the board, nor shall the president's salary exceed two thousand five hundred (\$2,500) dollars per annum. Nor shall any member, save only the mayor of the city, hold any office of appointment or employment under the city or department of the city or any institution thereof. Nor shall any member of the board be concerned in any contract with the board of park commissioners of the city or of any of its departments or institutions, either as contractor, sub-contractor or party directly or indirectly interested.

§ 8. If any member of said board cease to be a *bona fide* resident or housekeeper of the city, or incur any of the disqualifica-

tions mentioned herein, or become incapacitated to perform any of the duties of commissioner, or be found guilty of any felony or high misdemeanor, he shall immediately cease to be a member of said board.

§ 9. The board constituted as aforesaid shall have the care, management and custody of all parks and grounds used for park purposes, all boulevards and park ways now belonging to the city, or to any existing board of park commissioners in the control of the city or existing board, and all such property as may hereafter be required for park purposes or public squares by the city or the board. The board shall have power to acquire and hold property for public parks and public squares by condemnation, or by contract for the same; to accept conveyances thereof; to receive gifts, donations or devises of land or other property for park purposes; to lay out and improve with walks, drives, roads, tree planting and other proper improvement of the park or parks, square or squares, and the other property held by it or acquired and managed, and to enter into contract for the same; to protect all property and improvements to it belonging or under its management or control from injury or decay; to adopt rules and regulations for the reasonable and proper use, and for preventing injuries to, or misuse of, all parks, public squares, boulevards, drive-ways, walks and park property generally, and to prevent disorder and improper conduct within the precincts of any park or inclosure, or upon any drives, walks or avenue under control of said board of park commissioners. The police power of the city shall extend over the said park property of every kind as the same is or as shall be acquired, and all violations of said park rules and regulations, and all other misdemeanors or offenses committed within any park property or precinct, shall be punished by the police court of the city on complaint, and proceedings had as provided by law in case of misdemeanors and violation of city ordinances. The said commissioners and their agents and employes shall have power to make arrests of felonies or misdemeanors committed within any park precinct for violation of any park rules or regulations.

§ 10. In locating parks and such other property as may be acquired under this act, the board shall have regard for the needs of the different portions of the city and population thereof, and suitability of grounds for park purposes as well as the cost thereof. In and of all such matters said board shall have discretion, as also in the system of improvement of the same. The said board may acquire by purchase, gift or condemnation, lands for park-ways connecting the park, and may improve and regulate the use of the same.

§ 11. The board shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited for park purposes, or the improvement of which would entail an injudicious outlay. The title to all property acquired for park purposes

shall vest in a board of park commissioners, and the same, with all the improvements and equipments, shall be held in strict and inviolable trust for public park uses, free from all taxation, impost or assessment, State, county, district, municipal or otherwise.

§ 12. The board shall in like manner hold, manage, control and improve the public squares or areas within the city limits, and may acquire others by gift, contract, purchase or condemnation, and for such it may prescribe rules and regulations; and all squares or areas shall be deemed and treated as park precincts. It shall be competent for the city, and ordinance to that effect being first duly passed and approved, to convey to said board any real estate owned, to be held and managed by said board for park purposes. The said board shall also have the control and management of the planting and care of shade trees along the sidewalks and thoroughfares of the city.

§ 13. Whenever, in the opinion of the board, property shall be needed for any of the purposes herein contemplated, either within or beyond the boundaries of the city, and within the county in which such city is situated, the board may, by resolution reciting such need, order the condemnation of such property, and proceeding for such condemnation shall be had in accordance with the provisions of sections 79, 80, 81, 82 and 83 of the act for the government of cities of the first-class.

§ 14. If any member of the board be the owner of, or interested in, any property necessary, in the opinion of the majority of the members of the board, to be taken for park purposes, then, proceeding to acquire such property shall be by condemnation, and such facts of ownership, or interest of such member, and the opinion of the majority of his colleagues, and to the necessity for condemnation, shall be fully set forth in the petition.

§ 15. For the purpose of providing necessary funds for the purchase, care and improvement of park property, and to meet the expenses of the board, the general council of the city shall in each year levy and cause to be collected, a tax of not less than five cents nor more than eight cents upon each one hundred dollars in value of all the property within the city taxable for municipal purposes, the same to be paid over to the board and receipted for by its president.

§ 16. For the purpose of raising money for the purchase or improvement of land for park property, the general council of the city may, by ordinances, submit to the qualified voters of the city the question as to whether the city shall issue bonds, with interest coupons attached, to the amount and of the character set forth in such ordinances; and when such ordinance is passed, it shall, at the next November election, be submitted to the qualified voters of the city, and if it receives the assent of two-thirds of those voting, then the bonds so voted shall be issued by the city and delivered to the board of park commissioners.

§ 17. The board shall never, to any extent, or under any device, in one year, anticipate or create a charge upon the income of a future year, and no work done or improvements made in any one year shall be made a charge upon the income of a future year.

§ 18. The board shall keep accurate record, and books of account, and shall annually, in the month of November, transmit to the mayor a full and detailed report and statement of all the facts and doings for the preceding year, together with a complete and itemized account of all receipts and disbursements of money, and with an itemized estimate of the money needed for park purposes during the coming year. The books of account and records of the board shall, at all times, be open to the inspection of the mayor, and be subject to the same examination as the records of other municipal officers under section 35 of the act for the government of cities of the first class.

§ 19. The general council of the city may, from time to time, upon application therefor made by the board, provide by ordinance for a special park police, the same to be under the control of the board of park commissioners and to be paid by it.

§ 20. The term "park property," includes all parks, squares and areas of land within the management of said board, and all buildings, structures, improvements, seats, benches, fountains, walks, drives, roads, trees, plants, herbages, flowers and other things therein, and inclosure of the same, and all shade trees on streets or thoroughfares, resting places, watering stations, playing grounds, parade grounds or the like, and all connecting parks, ways, roads or drives between parks, and all avenues, road-ways, drives, walks, with all trees, shrubbery, vines, flowers, and ornaments of any description, and all birds, animals or curiosities or object of interest or instruction placed in or on any of such inclosures, ways, park-ways, roads or place, and said terms shall be liberally construed.

§ 21. All legal service or advice required by the board shall be rendered by the city attorney and his assistant without additional compensation.

Amend section 78 by striking out the word "July," in the third line, and insert in lieu the word "November." Amend further by striking out in the fourth line the following: "His term of office shall commence on the fifteenth." Amend further by striking out in the fifth line "day of November, 1893, and shall continue four years."

Amend section 101 by adding the following words after the words "general council," in the first line: "Immediately upon the assembling of the new board." And amend further by adding in the second line, after the word "year," the word "thereafter."

Amend section 104 by inserting after the words "general council," in the third line, the words "immediately upon the

assembling of the new board." Amend further by adding after the words "general council," in ninth line, the following: "Not to exceed four years."

Amend section 145 by striking out the words "criminal di," in the first line. Amend further by striking out the words "vision of the," in the second line. Amend by striking out the word "regular," in the first line, and insert in lieu thereof the words "a majority of the." Amend by adding the letter "s" to the word "judge," in the ninth line, so as to read "judges."

Substitute for section 175: Each city shall raise a revenue from ad valorem taxes, and a poll-tax and license fees, and to that end the common council of each city is hereby authorized and empowered to provide each year by ordinance, for the assessment of all real and personal estate within the corporate limits thereof, subject to taxation for State purposes, and shall levy an ad valorem tax on same, not exceeding the rate and limit prescribed in the Constitution, and for school purposes not exceeding fifty cents on each one hundred dollars of taxable property therein, or such portion of poll-tax or license fees as the council may designate, to levy a poll-tax not exceeding one dollar and fifty cents on each adult male inhabitant thereof, and may impose license fees for stock used for breeding purposes, or franchises, trades, occupations and professions, and provide for the collection thereof. All taxes and license fees shall be levied or imposed by ordinance, and the purpose or purposes for which the same are levied or imposed shall be specified therein, and the revenue therefrom shall be expended for no other purpose than that for which it was collected. The license taxes shall be collected by the commissioners of the sinking fund. All other taxes shall be collected by the tax receiver.

Amend House Bill No. 534, in the Senate, by adding the following sections, to immediately precede the subdivision entitled "General Provisions: "

BOUNDARIES.

§ 234. The boundaries of the cities of the first class shall, until changed as herein provided, remain as now established by law.

§ 235. Whenever it is deemed desirable to annex any territory to the city, or to reduce the boundaries thereof, the general council thereof may enact an ordinance defining accurately the boundaries of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least ten issues of the daily paper published in, and having the largest circulation in, the cities. In not less than thirty days after the enactment of such ordinance, if the publication or notice as herein provided has been made or given, and no petition is filed in the circuit court, as provided in the next sec-

tion, the general council may, by ordinance, annex to the city the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordinance, such territory shall become part of such city, or shall be stricken therefrom.

§ 236. Within thirty days after the enactment of an ordinance proposing to annex territory to the city or to reduce the limits thereof, one or more residents or freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, or any branch thereof having jurisdiction in civil cases, setting forth the reasons why such territory, or any part thereof, should not be annexed, or why the limit should not be reduced. Summons shall issue thereon and be executed on the mayor or chief executive officer of the city as in other cases, and the answer of the city shall be filed within twenty days after service of the summons. The case shall be tried according to the rules and practice prescribed for the trial of jury cases. If the jury be satisfied, upon a hearing, that less than seventy-five per cent. of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory to the city will be for its interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, it shall so find, and said annexation or reduction shall be approved, and become final. If the courts shall be satisfied that seventy-five per cent. or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, then such annexation or reduction shall not take place, unless the jury shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such city, and of the owners and inhabitants of the territory sought to be annexed or stricken off. In case the jury shall so find, annexation or reduction shall take place, notwithstanding the remonstrance. An appeal from the judgment of the court may be taken as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court be adverse to annexation or reduction, no further effort to annex or strike off such territory shall be made within two years after the rendition of such judgment.

§ 237. The judgment shall, when entered, be certified to the general council of the city, who may thereupon annex to or strike from the city the territory described in the judgment, and such territory shall become, or cease to become, as the case may be, a part of the city.

§ 238. In accordance with the provisions of sections 235, 236 and 237 hereof, it shall be lawful for a city of the first class to annex a territory of a smaller city or town. But the city thus annexing the territory of another shall be bound for all the debts and liabilities, and shall be the owner of all corporate

property, franchises and rights of municipal corporations: *Provided*, That if only a portion of the territory of any city or town shall be annexed, the amount of the existing debts and liabilities which such cities shall be bound for, shall be in proportion as the value of the property so annexed bears to all the property of the city or town from which such territory is taken, as shown by the last preceding assessment of the assessor of such city or town.

Amend by substituting the following for section 234:

For county governmental purposes, a city of the first class is hereby separated from the remainder of the county in which said city is situated. The general council shall provide by ordinance, suitable appropriations for the purpose of paying such cities portion of all expenses common to both such city and county.

Said amendments were concurred in.

Said bill was passed as amended.

[*See Bill in House Journal May 19, 1893.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Geo. T. Halbert,	W. F. Neat,
Lewis Alexander, Sr.,	Thos. H. Hanks,	Eli Nicholls,
W. W. Ayres,	U. G. Harlow,	J. P. O'Meara,
W. S. Bailey,	A. L. Harned,	W. F. Peak,
John Bartman,	R. K. Hart,	Thos. S. Pettit,
R. F. Bass,	H. K. Hay,	J. F. Porter,
W. P. Beard,	P. R. Hays,	E. M. Pryse,
B. T. Birkhead,	B. B. Hensley,	A. T. Pullen,
John Botts,	W. J. Hissem,	C. D. Reed,
P. S. Bruner,	F. W. Hutcheson,	R. E. Roberts,
A. J. Carroll,	Daniel James,	John Ryan,
B. E. Caudill,	W. W. Johnson,	D. H. Severs,
A. H. Charlton,	J. S. Joplin,	Waller Sharp,
F. P. Combest,	R. M. Kincheloe,	S. H. Shouse,
R. F. Comer,	T. S. Kirk,	Fenton Sims,
L. J. Cox,	Henry Kremer,	C. C. Spalding,
W. J. Cox,	William Krieger,	W. W. Stephenson,
James R. Dean,	Lewis Y. Leavell,	W. R. Stewart,
J. E. Durham,	John M. Letterle,	Lewis E. Thomas,
D. B. Edmiston,	H. P. Lively,	John M. Tinsley,
John Finn,	C. W. Mathers,	D. W. Tribble,
George Will. Follis,	W. H. May,	N. S. Walton,
Ben. F. Gardner,	John S. May,	H. P. Whitaker,

J. P. Gay,
J. C. Glenn,
S. M. Gough,

Hiram McElroy,
M. D. McInerney,
Harvey Myers,

B. F. Willett,
R. B. Wilson,
John D. Woods—78.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day the following bills, viz:

H. B. 569. A bill defining grand and petit larceny, and fixing the punishment thereof.

H. B. 563. A bill prescribing penalties against railroads, steamboats and other common carriers for giving free passes and selling at reduced rates, not common to the public, tickets for transportation to State, district, city, town and county officers, members of the General Assembly and judges, and to prohibit such persons and officers from accepting and using such tickets or transportation.

H. B. 571. A bill for the creation and organization of cities and towns in this Commonwealth.

Said bills were severally read the second time by their titles,

The constitutional provision as to the second reading at length of said bills being dispensed with.

The House took from the orders of the day H. B. 536, entitled

A bill to prevent trusts, pools, combinations or other organizations from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value, and fixing a penalty for violation thereof.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. It shall be unlawful for any trusts, pools, combinations or other organizations in this Commonwealth to combine together or otherwise agree for the purpose of, or with intent to depreciate below its real value any article, or to enhance the cost of any article above its real value.

§ 2. That any trusts, pools, combinations or other organizations who shall violate the provisions of the first section of this act shall be guilty of a misdemeanor, and, upon indictment and conviction in the circuit court of any county in this Common-

wealth, shall be fined in any sum not less than one hundred nor more than five thousand dollars, in the discretion of a trial jury.

§ 3. It shall be the duty of the circuit court judges to give this act in charge to the grand juries at the commencement of each term of their respective courts.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	Harvey Myers,
Lewis Alexander, Sr.,	S. M. Gough,	Eli Nicholls,
W. W. Ayres,	Geo. T. Halbert,	W. F. Peak,
W. S. Bailey,	Thos. H. Hanks,	Thos. S. Pettit,
John Bartman,	U. G. Harlow,	J. F. Porter,
R. F. Bass,	A. L. Harned,	E. M. Pryse,
W. P. Beard,	H. K. Hay,	A. T. Pullen,
B. F. Bennett,	P. R. Hays,	C. D. Reed,
B. T. Birkhead,	B. B. Hensley,	John Ryan,
John Botts,	W. J. Hissem,	D. H. Severs,
P. S. Bruner,	F. W. Hutcheson,	Waller Sharp,
A. J. Carroll,	Daniel James,	S. H. Shouse,
B. E. Caudill,	W. W. Johnson,	Fenton Sims,
A. H. Charlton,	J. S. Joplin,	C. C. Spalding,
F. P. Combest,	R. M. Kincheloe,	W. W. Stephenson,
R. F. Comer,	T. S. Kirk,	J. R. Summers,
L. J. Cox,	William Krieger,	Lewis E. Thomas,
W. J. Cox,	Lewis Y. Leavell,	John M. Tinsley,
James R. Dean,	John M. Letterle,	D. W. Tribble,
E. M. Dickson,	H. P. Lively,	N. S. Walton,
J. E. Durham,	C. W. Mathers,	J. H. Welch,
D. B. Edmiston,	W. H. May,	B. F. Willett,
John Finn,	John S. May,	Geo. E. Willett,
George Will Follis,	Hiram McElroy,	R. B. Wilson,
Wm. Garrison,	M. D. McInerney,	John D. Woods—75.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 538, entitled

A bill requiring railroads, corporations and other persons operating and controlling railroads, and land-owners, to fence their right of way and railroad track, and to construct barriers and cattle-guards at certain public road and highway crossings, and to maintain and keep the same in repair, and prescribing remedies and penalties for failing to do so.

Mr. Birkhead moved the following as a substitute for said bill, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That an act, entitled "An act requiring railroad corporations, and other persons operating and controlling railroads, and land-owners, to fence their right of way and railroad track, and to construct barriers and cattle-guards at certain public road and highway crossings, and to maintain and keep the same in repair, and prescribing remedies and penalties for failing to do so," which became a law February 25th, 1893, be, and the same is hereby, amended by striking out section 7 of said act, and inserting in lieu thereof the following, so that said section, when amended, would read:

§ 7. That for the purpose of this act, any fence constructed of substantial posts, well set not less than two feet in the ground, and at no greater distance apart than ten feet, with one stay between posts, with wire not less than four feet and a half high, consisting of nine strands, shall be held to be a good and lawful fence; but nothing herein shall be so construed to prevent parties from erecting any other class of lawful fence.

§ 2. It appearing that it is necessary for the benefit and protection of railroads and land-owners that this act shall take effect at once, it is therefore enacted that this act shall take effect from and after its approval by the Governor.

Mr. Beard moved to amend said substitute by inserting after the word "stay," in line 3, the words "every four feet;" also by striking out "ten feet," in line 3, and inserting in lieu thereof the word "thirty."

Said amendment was rejected.

Mr. Mathers moved to amend said substitute by striking out the word "nine," in line 5 of section 1, and inserting in lieu thereof the word "seven."

Said amendment was rejected.

Said substitute was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed.

[*See Bill above—Birkhead's Substitute.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	S. M. Gough,	J. P. O'Meara,
Lewis Alexander, Sr.,	Geo. T. Halbert,	W. F. Peak,

W. W. Ayres,	U. G. Harlow,	Thos. S. Pettit,
W. S. Bailey,	A. L. Harned,	J. F. Porter,
John Bartman,	H. K. Hay,	E. M. Pryse,
R. F. Bass,	P. R. Hays,	A. T. Pullen,
W. P. Beard,	B. B. Hensley,	C. D. Reed,
B. T. Birkhead,	F. W. Hutcheson,	John Ryan,
John Botts,	Daniel James,	D. H. Severs,
P. S. Bruner,	W. W. Johnson,	S. H. Shouse,
A. J. Carroll,	J. S. Joplin,	W. W. Stephenson,
B. E. Caudill,	R. M. Kincheloe,	W. R. Stewart,
A. H. Charlton,	T. S. Kirk,	J. R. Summers,
R. F. Comer,	John M. Letterle,	Lewis E. Thomas,
L. J. Cox,	H. P. Lively,	J. R. Thomas,
W. J. Cox,	C. W. Mathers,	John M. Tinsley,
James R. Dean,	John S. May,	N. S. Walton,
E. M. Dickson,	Hiram McElroy,	J. H. Welch,
J. E. Durham,	M. D. McInerney,	H. P. Whitaker,
D. B. Edmiston,	Harvey Myers,	B. F. Willett,
John Finn,	W. F. Neat,	Geo. E. Willett,
Geo. Will. Follis,	Eli Nicholls,	John D. Woods—67.
Wm. Garrison,		

Those who voted in the negative, were—

B. F. Bennett, Berry Howard—2.

Resolved, That said bill do pass, and that the title thereof be as follows, viz :

An act to amend an act, entitled “An requiring railroad corporations, and other persons operating and controlling railroads, and land-owners, to fence their right of way and railroad track, and to construct barriers and cattle-guards at certain public road and highway crossings, and to maintain and keep the same in repair, and prescribing remedies and penalties for failing to do so,” which became a law February 25, 1893.

The House took from the orders of the day H. B. 540, entitled A bill to amend an act, entitled “An act providing for the creation and regulation of private corporations.”

Ordered, That said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That an act, entitled “An act providing for the creation and regulation of private corporations,” which became a law April 5, 1893, be, and the same is hereby, amended as follows : That section 66, under article 3 of said act, be strick-

en out, and the following provision substituted therefor, so that said section sixty-six, when amended hereby, shall read as follows: Any number of persons, not less than seven, may associate to establish a corporation for the purpose of conducting a trust business under the provisions of this article; but the capital stock of any such company shall not be less than twenty-five thousand dollars in counties having a population of forty thousand or less; and not less than seventy-five thousand dollars in counties having a population of over forty thousand and less than one hundred thousand; and not less than two hundred thousand dollars in counties having a population over one hundred thousand; and a statement of any increase or reduction in the capital stock shall be signed and acknowledged by the president and a majority of the directors, and filed and recorded in the same manner as articles of incorporation.

§ 2. As there is a desire and demand for the organization of trust companies in some counties wherein the amount of capital required under the present law can not be secured by subscription for the organization of same, an emergency is hereby declared to exist, and this act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	D. B. Edmiston,	C. W. Mathers,
W. W. Ayres,	Geo. T. Halbert,	A. T. Pullen,
W. P. Beard,	U. G. Harlow,	Fenton Sims,
F. P. Combest,	F. W. Hutcheson,	C. C. Spalding,
L. J. Cox,	Daniel James,	W. W. Stephenson,
W. J. Cox,	T. S. Kirk,	D. W. Tribble—19.
E. M. Dickson,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	P. R. Hays,	Thos. S. Pettit,
W. S. Bailey,	B. B. Hensley,	J. F. Porter,
B. F. Bennett,	J. S. Joplin,	C. D. Reed,
B. T. Birkhead,	R. M. Kincheloe,	John Ryan,
John Botts,	William Krieger,	D. H. Severs,
A. H. Charlton,	Lewis Y. Leavell,	S. H. Shouse,
R. F. Comer,	John M. Letterle,	W. R. Stewart,
J. E. Durham,	H. P. Lively,	J. R. Summers,
John Finn,	John S. May,	J. R. Thomas,
Wm. Garrison,	Hiram McElroy,	N. S. Walton,
S. M. Gough,	M. D. McInerney,	Geo. E. Willett,
Thos. H. Hanks,	W. F. Neat,	John D. Woods—38.
H. K. Hay,	Eli Nicholls,	

So said bill was rejected.

The House took from the orders of the day H. Resolution 110, entitled

Resolution to remove and locate the seat of government.

Mr. Krieger moved to postpone the further consideration of said resolution until to-morrow.

Said motion was adopted.

Mr. Myers moved that the House resolve itself into the Committee of the Whole, for the purpose of considering H. B. 544, entitled

A bill providing for the removal of the seat of government from the city of Frankfort, and the location of same in the city of Lexington.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Carroll and Gardner, were as follows, viz :

Those who voted in the affirmative, were—

Posey D. Ball,	J. P. Gay,	Eli Nicholls,
John Bartman,	S. M. Gough,	W. F. Peak,
R. F. Bass,	Geo. T. Halbert,	J. F. Porter,
W. P. Beard,	H. K. Hay,	A. T. Pullen,
B. F. Bennett,	W. J. Hissem,	C. D. Reed,
P. S. Bruner,	F. W. Hutcheson,	R. E. Roberts,
Polk Cansler,	Daniel James,	John Ryan,
A. J. Carroll,	W. W. Johnson,	W. R. Stewart,
B. E. Caudill,	J. S. Joplin,	J. R. Summers,
A. H. Charlton,	T. S. Kirk,	Lewis E. Thomas,
F. P. Combest,	Henry Kremer,	J. R. Thomas,
R. F. Comer,	William Krieger,	John M. Tinsley,
W. J. Cox,	John M. Letterle,	D. W. Tribble,
James R. Dean,	H. P. Lively,	N. S. Walton,
J. E. Durham,	C. W. Mathers,	J. H. Welch,
D. B. Edmiston,	W. H. May,	B. F. Willett,
John Finn,	John S. May,	Geo. E. Willett,
Wm. Garrison,	Harvey Myers,	John D. Woods—56.
Ben. F. Gardner,	W. F. Neat,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	U. G. Harlow,	E. M. Pryse,
Lewis Alexander, Sr.,	A. L. Harned,	I. M. Quigley,
W. W. Ayres,	R. K. Hart,	D. H. Severs,
W. S. Bailey,	P. R. Hays,	Waller Sharp,
B. T. Birkhead,	B. B. Hensley,	S. H. Shouse,

John Botts,	Berry Howard,	Fenton Sims,
L. J. Cox,	R. M. Kincheloe,	C. C. Spalding,
E. M. Dickson,	Hiram McElroy,	W. W. Stephenson,
George Will. Follis,	M. D. McInerney,	H. P. Whitaker,
J. C. Glenn,	J. P. O'Meara,	R. B. Wilson—32.
Thos. H. Hanks,	Thos. S. Pettit,	

The House then went into Committee of the Whole, with Mr. Hanks in the chair.

After a time the committee arose, reported progress, and asked leave to sit again.

Said request was granted.

The House then took a recess until 3 o'clock.

AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Speaker Moore in the chair.

Mr. Myers moved that the House go into Committee of the Whole to consider H. B. 544, entitled

A bill providing for the removal of the seat of government from the city of Frankfort and the location of same in the city of Lexington.

Said motion was adopted.

The House then went into Committee of the Whole, with Mr. Hanks in the chair.

After a time the committee arose, reported that they had had under consideration said bill, and recommended that the blanks in the substitute offered by Mr. Myers be filled by inserting the name of "Louisville" as the city, and "one million dollars" as the amount offered for said location.

Said amendment, proposed by the Committee of the Whole, was adopted.

The yeas and nays being required thereon by Messrs. Carroll and Myers, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	S. M. Gough,	M. D. McInerney,
W. S. Bailey,	A. L. Harned,	Harvey Myers,

Posey D. Ball,	R. K. Hart,	W. F. Neat,
John Bartman,	P. R. Hays,	Eli Nicholls,
R. F. Bass,	B. B. Hensley,	W. F. Peak,
W. P. Beard,	W. J. Hissem,	J. F. Porter,
B. F. Bennett,	F. W. Hutcheson,	A. T. Pullen,
P. S. Bruner,	Daniel James,	C. D. Reed,
Polk Cansler,	W. W. Johnson,	John Ryan,
A. J. Carroll,	J. S. Joplin,	D. H. Severs,
A. H. Charlton,	Henry Kremer,	Waller Sharp,
F. P. Combest,	William Krieger,	C. C. Spalding,
R. F. Comer,	John M. Letterle,	W. R. Stewart,
L. J. Cox,	H. P. Lively,	Lewis E. Thomas,
W. J. Cox,	C. W. Mathers,	B. F. Willett,
J. E. Durham,	W. H. May,	Geo. E. Willett,
John Finn,	John S. May,	R. B. Wilson,
Wm. Garrison,	Hiram McElroy,	John D. Woods—55.
Ben. F. Gardner,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	Thos. H. Hanks,	J. R. Thomas,
B. E. Caudill,	T. S. Kirk,	John M. Tinsley,
E. M. Dickson,	E. M. Pryse,	D. W. Tribble,
D. B. Edmiston,	R. E. Roberts,	N. S. Walton,
J. P. Gay,	S. H. Shouse,	J. H. Welch—17.
Geo. T. Halbert,	W. W. Stephenson,	

So said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill, as amended, was then read the third time and rejected.

[*For Bill, see yesterday's Journal.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

John Bartman,	Wm. Garrison,	Harvey Myers,
R. F. Bass,	Ben. F. Gardner,	W. F. Neat,
W. P. Beard,	S. M. Gough,	Eli Nicholls,
B. F. Bennett,	F. W. Hutcheson,	W. F. Peak,
P. S. Bruner,	Daniel James,	A. T. Pullen,
Polk Cansler,	Henry Kremer,	John Ryan,
A. J. Carroll,	William Krieger,	W. R. Stewart,
A. H. Charlton,	John M. Letterle,	Lewis E. Thomas,
F. P. Combest,	H. P. Lively,	John M. Tinsley,
R. F. Comer,	C. W. Mathers,	B. F. Willett,
W. J. Cox,	W. H. May,	Geo. E. Willett,
J. E. Durham,	John S. May,	John D. Woods—37.
John Finn,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	R. K. Hart,	I. M. Quigley,
Lewis Alexander, Sr.,	P. R. Hays,	C. D. Reed,
W. W. Ayres,	B. B. Hensley,	R. E. Roberts,
W. S. Bailey,	Berry Howard,	D. H. Severs,
B. T. Birkhead,	W. W. Johnson,	Waller Sharp,
John Botts,	J. S. Joplin,	S. H. Shouse,
B. E. Caudill,	R. M. Kincheloe,	Fenton Sims,
L. J. Cox,	T. S. Kirk,	C. C. Spalding,
E. M. Dickson,	Lewis Y. Leavell,	W. W. Stephenson,
George Will Follis,	Hiram McElroy,	J. R. Thomas,
J. P. Gay,	M. D. McInerney,	D. W. Tribble,
J. C. Glenn,	J. P. O'Meara,	N. S. Walton,
Geo. T. Halbert,	Thos. S. Pettit,	J. H. Welch,
Thos. H. Hanks,	J. F. Porter,	H. P. Whitaker,
U. G. Harlow,	E. M. Pryse,	R. B. Wilson—46.
A. L. Harned,		

So said bill was rejected.

And then the House adjourned.

FRIDAY, JUNE 16, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayne, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	Wm. Garrison,	W. F. Neat,
Lewis Alexander, Sr.,	J. C. Glenn,	Eli Nicholls,
W. W. Ayres,	S. M. Gough,	J. P. O'Meara,
W. S. Bailey,	Geo. T. Halbert,	W. F. Peak,
R. F. Bass,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. F. Bennett,	A. L. Harned,	E. M. Pryse,
B. T. Birkhead,	H. K. Hay,	A. T. Pullen,
John Botts,	B. B. Hensley,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	C. C. Spalding,

A. H. Charlton,	W. W. Johnson,	W. W. Stephenson,
R. F. Comer,	J. S. Joplin,	W. R. Stewart,
L. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
Will J. Cox,	T. S. Kirk,	J. R. Thomas,
James R. Dean,	William Krieger,	John M. Tinsley,
J. E. Durham,	H. P. Lively,	N. S. Walton,
D. B. Edmiston,	C. W. Mathers,	Geo. E. Willett,
John Finn,	W. H. May,	John D. Woods—62.
George Will. Follis,	John S. May,	

The following members were absent, viz :

T. J. Arnett,	J. P. Gay,	I. M. Quigley,
Posey D. Ball,	R. K. Hart,	R. E. Roberts,
John Bartman,	P. R. Hays,	John Ryan,
John T. Bashaw,	Berry Howard,	Waller Sharp,
A. J. Carroll,	Henry Kremer,	Fenton Sims,
F. P. Combest,	Lewis Y. Leavell,	J. R. Summers,
Wesley Crow,	John M. Letterle,	Samuel O. Tate,
J. S. Cullen,	Hiram McElroy,	D. W. Tribble,
J. M. Dawson, Jr.,	M. D. McInerney,	J. H. Welch,
E. M. Dickson,	Harvey Myers,	H. P. Whitaker,
McD. Ferguson,	John Lee Payne,	B. F. Willett,
J. M. Frazee,	J. A. Perkins,	R. B. Wilson—38.
Ben. F. Gardner,	Granville Philpot,	

The Journal of yesterday was approved.

The following bills were introduced and referred, viz :

By Mr. Hart—

H. B. 572. A bill to authorize the employment of the unleased convict labor in the erection of new Capitol buildings, and providing for other incidentals in the performance of such work ; referred to the Committee on State Prisons and House of Reform.

By Mr. Wilson—

H. B. 573. A bill to prohibit the issuing of certain obligations to be redeemed in numerical order, or in any arbitrary order of procedure ; referred to the Committee on Corporate Institutions.

By Mr. Pettit—

H. B. 574. A bill to continue the page in the Governor's office ; referred to the Committee on Circuit Courts.

Mr. Walton, from the Committee on Printing and Accounts, reported H. Resolution 111, entitled

Resolution directing the Public Printer to print 1,000 copies of the act in relation to the running at large of stock.

Said resolution was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Kremer, from the Committee on Railroads and Commerce, reported H. B. 560, entitled

A bill providing for the incorporation of the purchasers of railroads.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Peak called up the motion, heretofore entered by Mr. Woods, to reconsider the vote by which the House refused to pass H. B. 474, entitled

A bill imposing a tax on the estates of inheritance, distributive shares and legacies.

Said motion was rejected.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed S. B. 210, entitled

An act for the government of cities of the third class.

That they had concurred in H Resolution 106, entitled

Resolution directing the Public Printer to print and deliver to the Superintendent of Public Instruction 500 copies of the law providing for the management and administration of the A. & M. College.

That they had concurred in an amendment proposed by the House to S. B. 224, entitled

An act dividing the State into thirty-eight Senatorial Districts.

Mr. Krieger withdrew, by unanimous consent, H. Resolution 110, entitled

Resolution to remove and locate the seat of government.

The House took from the orders of the day S. B. 244, entitled

An act to amend subsection 4 of section 51 of the Civil Code of Practice.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That subsection 4 of section 51 of the Civil Code of Practice be amended by striking out all of said subsection, beginning with the word "in," and ending with the

numerals "73," and inserting in lieu thereof the words "in every action," so that said subsection shall read as follows :

4. In every action against a common carrier, the summons may be served in any county upon the defendant's chief officer or agent ; or it may be served in the county wherein the action is brought upon the defendant's chief officer or agent who resides therein ; or, if the defendant operate a railroad, it may be served upon defendant's passenger or freight agent, stationed at, or nearest to, the county seat of the county in which the action is brought.

§ 2. Whereas, the interest of litigants demand that speedy trials and complete relief should be granted, and defendants be brought before the courts to answer all legal demands, therefore, an emergency is declared, and this act shall be in force from and after its passage and approval by the Governor.

The yeas and nays being required thereou by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were-

Mr. Speaker (Moore),	Wm. Garrison,	M. D. McInerney,
Lewis Alexander, Sr.,	Ben. F. Gardner,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	J. P. O'Meara,
W. S. Bailey,	S. M. Gough,	W. F. Peak,
John T. Bashaw,	Geo. T. Halbert,	Thos. S. Pettit,
R. F. Bass,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	E. M. Pryse,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
John Botts,	H. K. Hay,	C. D. Reed,
P. S. Bruner,	B. B. Hensley,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	Fenton Sims,
A. H. Charlton,	W. W. Johnson,	C. C. Spalding,
F. P. Combest,	J. S. Joplin,	W. W. Stephenson,
L. J. Cox,	R. M. Kincheloe,	John M. Tinsley,
W. J. Cox,	T. S. Kirk,	D. W. Tribble,
James R. Dean,	Henry Kremer,	N. S. Walton,
E. M. Dickson,	William Krieger,	J. H. Welch,
J. E. Durham,	C. W. Mathers,	B. F. Willett,
D. B. Edmiston,	W. H. May,	Geo. E. Willett,
John Finn,	John S. May,	John D. Woods—64.
George Will. Follis,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 570, entitled

A bill to repeal an act, entitled "An act to incorporate the town of East View, in Hardin county," approved May 16, 1890.

Said bill was read the second time.

The House took from the orders of the day H. B. 564, entitled

A bill to provide for a board of joint commissioners where, for county governmental purposes, a city is, by law, separated from the remainder of the county, and having public buildings, and incurring expenses in which both such city and county are jointly interested.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That for the purposes hereinafter specified, a board of joint commissioners, consisting of seven members, is hereby constituted for counties where, for county governmental purposes, a city is by law separated from the remainder of the county, and having public buildings and incurring expenses in which both such city and county are jointly interested. These seven members shall be chosen for one year in the following manner : Two of them shall be aldermen of the city, and shall be elected by the board of aldermen in the month of January, in each year, by the new board ; three of them shall be councilmen of said city, and shall be elected by the board of councilmen in the same month by the new board ; two of them shall be members of the fiscal court, for that part of the county outside of such city, and shall be elected by the fiscal court in the month of January. The first election under this act shall take place in the month of January, 1894.

§ 2. The board constituted as above shall have power over all subjects of expenditures connected with the court-house and jail, and the public records of the county, or any other expenditures rendered necessary by reason of the joint interest of such city and county, of which by law or contract such city and county jointly bear the expense ; and no contract shall hereafter be made concerning the same, nor any claim allowed or bill audited on any of these subjects, except by the board herein established. The payment of all claims allowed by said board shall be apportioned between the city and that part of the county outside thereof, according to the respective values of taxable property in each, as shown by the last preceding assessment for State purposes ; and the contributions of either may be enforced in the same manner as other claims against the city and county.

§ 3. The expenditures authorized by the board for any year (ending September 15 thereof) shall not exceed a sum equal to three cents on the hundred dollars of the assessment of property in the entire county for State purposes in that year.

§ 4. The board shall meet in the county court room of the county on the third Mondays of September and March of each year. The judge of the county court shall preside, and have a casting vote in case of a tie. In his absence the board shall elect from their number a chairman. The clerk of the county court or his deputy shall keep the minutes of the board, acting as its secretary free of charge. No contract shall be authorized or claim allowed without the concurrence of four members of the board. The board may adjourn from day to day, or to a subsequent day. The members of the board shall receive five dollars a day for their attendance for not exceeding ten days in any one year, the per diem of the aldermen and councilmen to be paid by the city; that of the members of the fiscal court to be paid out of the county levy. It shall be the duty of the county attorney and city attorney to attend the meetings of the board, to advise it, and to oppose any contracts or allowance which seem to them illegal.

§ 5. All acts of the General Assembly in conflict with this act are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will. Follis,	J. P. O'Meara,
Lewis Alexander, Sr.,	Ben. F. Gardner,	W. F. Peak,
W. W. Ayres,	J. P. Gay,	Thos. S. Pettit,
W. S. Bailey,	S. M. Gough,	J. F. Porter,
R. F. Bass,	Geo. T. Halbert,	E. M. Pryse,
W. P. Beard,	Thos. H. Hanks,	A. T. Pullen,
B. F. Bennett,	U. G. Harlow,	I. M. Quigley,
B. T. Birkhead,	A. L. Harned,	C. D. Reed,
John Botts,	R. K. Hart,	D. H. Severs,
P. S. Bruner,	P. R. Hays,	S. H. Shouse,
Polk Cansler,	B. B. Hensley,	Fenton Sims,
B. E. Caudill,	W. J. Hissem,	C. C. Spalding,
A. H. Charlton,	F. W. Hutcheson,	W. W. Stephenson,
F. P. Combest,	Daniel James,	W. R. Stewart,
R. F. Comer,	W. W. Johnson,	Lewis E. Thomas,
L. J. Cox,	J. S. Joplin,	J. R. Thomas,
W. J. Cox,	R. M. Kincheloe,	John M. Tinsley,
James R. Dean,	Henry Kremer,	D. W. Tribble,
E. M. Dickson,	H. P. Lively,	N. S. Walton,
J. E. Durham,	C. W. Mathers,	Geo. E. Willett,
D. B. Edmiston,	John S. May,	John D. Woods—65.
John Finn,	M. D. McInerney,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 516, entitled A bill requiring tax on income, and providing penalty for failure to pay same.

Mr. Bashaw moved to amend said bill by striking out of line 5 the words "except banks incorporated by this State."

Said amendment was adopted.

Mr. Birkhead moved to amend said bill by inserting between the word "every" and the word "private," in line 1, the words "incorporated bank."

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. Every incorporated bank, private banker, broker, and every unincorporated banking or saving institution, and all corporations, companies, associations of every kind, or individual doing business in this State, shall annually report, under oath, on or before the first day of October in each year, to the Auditor of Public Accounts, setting forth the entire amount of income received in this State, and out of this State, on business done in the State from all sources within twelve months next before the fifteenth day of September of each year in which the report is made; and all such corporations, companies, associations of every kind or individual, except individual stockholders of the corporation, which are by this act required to report and pay an income tax on the corporate property, shall, on or before the first day of December of each year, pay on all sums of such annual income in excess of \$2,000 and less than \$10,000 one per cent. per annum, and on sums in excess of \$10,000 and less than \$20,000 one and one-half of one per cent. per annum, and on all sums in excess of \$20,000 two per cent. per annum.

§ 2. Any corporation, company, association or individual failing or refusing to report, as required by section one of this act, shall be deemed guilty of a misdemeanor, and for each offense shall be fined one thousand dollars, and fifty dollars for each day the same is not made after the first day of October in each year. And any corporation, company, association, or officers thereof, or any individual, who shall knowingly make false statements in any report, shall be deemed guilty of false swearing, and punished accordingly. The board of valuation and assessment, or any one of them, are hereby authorized to examine the books and papers of any corporation, company, association, banker, broker, or corporation of any kind, or individual, liable for tax under the provisions of this act. And in order to verify the accuracy of any returns made to them, or

either of them, they may summon before them any officer, employe or agent of any corporation, company, association or individual to be examined orally, or may propound to any officer, agent or employe any written question to be answered under oath; and any officer, agent or employe who has been summoned to appear before them, or who has been requested to answer any written question propounded, and shall fail to appear before them, or refuse or fail to answer under oath any question upon his appearance, or fail or refuse to answer under oath any written inquiry propounded, shall be guilty of a misdemeanor, and, upon conviction, be fined not less than \$500 nor more than \$1,000 for each offense.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	George Will. Follis,	W. F. Peak,
John T. Bashaw,	Wm. Garrison,	Thos. S. Pettit,
B. T. Birkhead,	Geo. T. Halbert,	J. F. Porter,
John Botts,	U. G. Harlow,	W. R. Stewart,
P. S. Bruner,	A. L. Harned,	J. R. Thomas,
Polk Cansler,	H. P. Lively,	John M. Tinsley,
J. E. Durham,	C. W. Mathers,	B. F. Willett,
John Finn,	W. F. Neat,	Geo. E. Willett—24.

Those who voted in the negative, were—

Lewis Alexander, Sr.,	H. K. Hay,	I. M. Quigley,
W. S. Bailey,	P. R. Hays,	C. D. Reed,
R. F. Bass,	W. J. Hissem,	S. H. Shouse,
B. E. Caudill,	Daniel James,	Fenton Sims,
F. P. Combest,	W. W. Johnson,	W. W. Stephenson,
R. F. Comer,	J. S. Joplin,	Lewis E. Thomas,
D. B. Edmiston,	W. H. May,	D. W. Tribble,
J. P. Gay,	E. M. Pryse,	N. S. Walton,
Thos. H. Hanks,	A. T. Pullen,	John D. Woods—27.

So said bill was rejected.

Mr. Woods entered a motion to reconsider the vote by which said bill was rejected.

A message was received from the Governor, announcing that he had approved and signed bills and a resolution as follows, viz :

H. B. 165. An act fixing definitely the compensation of the Governor of this Commonwealth, and abolishing all incidental expenses attached to the office.

H. B. 490. An act to appropriate money for building or repairing shops in the State Prison in the city of Frankfort, and providing for the execution of the work.

H. Resolution 105. Resolution directing the Public Printer to print 1,000 copies of the charter for cities and towns of the sixth class.

A message was received from the Senate, announcing that they had concurred in the report of the Committee of Conference on and passed S. B. 42, entitled

An act providing for an efficient system of common schools throughout the State.

Mr. Quigley, from the Committee of Conference on the part of the House, called up from the Clerk's desk said bill, and submitted the following report, in writing, viz :

We, the committee appointed on conference to adjust the differences arising between the Senate and House of Representatives on Senate Bill No. "forty-two," make the following report :

1. We recommend that the Senate concur in all House amendments not heretofore concurred in, except amendments to sections 63 and 64.

2. That the Senate recede from its amendments to sundry House amendments, other than to sections 63 and 64, and concur in said House amendments, except amendment No. 11.

3. That House amendment No. 11 be amended as follows : Amend section 23, article 4, by striking out all after the word "office," in line 1, and insert the following : "He shall have power to appoint three clerks, viz : A chief clerk, whose salary shall be fifteen hundred dollars per annum ; a first clerk, whose salary shall be one thousand dollars per annum ; and a second clerk, whose salary shall be eight hundred and fifty dollars per annum. Said salaries to be paid monthly out of the common school fund. And that said amendment be adopted by the two Houses as thus amended."

4. That the House recede from its amendment to sections 63 and 64, and concur in the Senate substitute for the House

amendment to said sections, as it passed the Senate May 18th, 1893.

THOS. S. PETTIT,
J. C. GLENN,
G. W. GATES,
JOHN M. GALLOWAY,
for GATES,
I. M. QUIGLEY,
JOHN MCCANN.

Said report was concurred in.

Said bill was passed, as amended by the report.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	George Will. Follis,	W. F. Neat,
Lewis Alexander, Sr.,	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	S. M. Gough,	Thos. S. Pettit,
John T. Bashaw,	Geo. T. Halbert,	J. F. Porter,
R. F. Bass,	Thos. H. Hanks,	E. M. Pryse,
B. F. Bennett,	U. G. Harlow,	A. T. Pullen,
B. T. Birkhead,	A. L. Harned,	I. M. Quigley,
John Botts,	R. K. Hart,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	S. H. Shouse,
Polk Cansler,	P. R. Hays,	Fenton Sims,
B. E. Caudill,	W. J. Hissem,	W. W. Stephenson,
F. P. Combest,	F. W. Hutcheson,	W. R. Stewart,
R. F. Comer,	Daniel James,	Lewis E. Thomas,
L. J. Cox,	W. W. Johnson,	J. R. Thomas,
W. J. Cox,	J. S. Joplin,	John M. Tinsley,
James R. Dean,	R. M. Kincheloe,	D. W. Tribble,
E. M. Dickson,	T. S. Kirk,	N. S. Walton,
J. E. Durham,	H. P. Lively,	B. F. Willett,
D. B. Edmiston,	W. H. May,	Geo. E. Willett,
John Finn,	John S. May,	John D. Woods—63.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the House adjourned.

SATURDAY, JUNE 17, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Botts, Speaker *pro tem.*, in the chair.

Upon a call of the roll, the following members were present, viz :

Lewis Alexander, Sr.,	Geo. T. Halbert,	J. P. O'Meara,
W. W. Ayres,	Thos. H. Hanks,	W. F. Peak,
W. S. Bailey,	U. G. Harlow,	Thos. S. Pettit,
R. F. Bass,	A. L. Harned,	J. F. Porter,
W. P. Beard,	P. R. Hays,	E. M. Pryse,
John Botts,	W. J. Hissem,	A. T. Pullen,
P. S. Bruner,	F. W. Hutcheson,	C. D. Reed,
Polk Cansler,	Daniel James,	D. H. Severs,
B. E. Caudill,	W. W. Johnson,	S. H. Shouse,
R. F. Comer,	J. S. Joplin,	C. C. Spalding,
L. J. Cox,	R. M. Kincheloe,	W. W. Stephenson,
W. J. Cox,	Lewis Y. Leavell,	Lewis E. Thomas,
James R. Dean,	H. P. Lively,	J. R. Thomas,
J. E. Durham,	C. W. Mathers,	D. W. Tribble,
John Finn,	W. H. May,	J. H. Welch,
George Will. Follis,	W. F. Neat,	Geo. E. Willett,
Wm. Garrison,	Eli Nicholls,	John D. Woods—52.
S. M. Gough,		

The following members were absent, viz :

Mr. Speaker (Moore),	J. M. Frazee,	John Lee Payne,
T. J. Arnett,	Ben. F. Gardner,	J. A. Perkins,
Posey D. Ball,	J. P. Gay,	Granville Philpot,
John Bartman,	J. C. Glenn,	I. M. Quigley,
John T. Bashaw,	R. K. Hart,	R. E. Roberts,
B. F. Bennett,	H. K. Hay,	John Ryan,
B. T. Birkhead,	B. B. Hensley,	Waller Sharp,
A. J. Carroll,	Berry Howard,	Fenton Sims,
A. H. Charlton,	T. S. Kirk,	W. R. Stewart,
F. P. Combest,	Henry Kremer,	J. R. Summers,
Wesley Crow,	William Krieger,	Samuel O. Tate,
J. S. Cullen,	Jno. M. Letterle,	John M. Tinsley,
J. M. Dawson, Jr.,	John S. May,	N. S. Walton,
E. M. Dickson,	Hiram McElroy,	H. P. Whitaker,
D. B. Edmiston,	M. D. McInerney,	B. F. Willett,
McD. Ferguson,	Harvey Myers,	R. B. Wilson—48.

The Journal of yesterday was approved.

Mr. Pettit introduced H. Resolution 112, entitled

Resolution in regard to national appropriation to improve the Kentucky river; referred to the Committee on Internal Improvements.

The committees, to whom the same had been referred, reported the following bills, viz:

By Mr. Pettit, from the Committee on Corporate Institutions—

S. B. 98. An act repealing all laws and parts of laws which authorize any municipality to become a stockholder in company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association or individual, and declaring an emergency.

By Mr. Welch, from the Committee on Circuit Courts—

H. B. 574. A bill to continue the page of the Governor.

Said bills were severally read the first time, ordered to be printed, and read the second time on some other day.

Mr. Sims, from the Committee on Judiciary, reported S. B. 249, entitled

An act prohibiting companies, associations and corporations of other States or countries from possessing, controlling, maintaining or operating any railway, or part thereof, in this State, until they have become corporations, citizens and residents of this State.

Said bill was read the first time, ordered to be printed, and recommitted.

The House took from the orders of the day H. B. 383, entitled

A bill concerning warehouses,

With amendments proposed thereto by the Senate.

Said amendments were concurred in.

Said bill was passed as amended.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Geo. T. Halbert,	J. P. O'Meara,
W. W. Ayres,	Thos. H. Hanks,	W. F. Peak,
W. S. Bailey,	U. G. Harlow,	Thos. S. Pettit,
R. F. Bass,	A. L. Harned,	J. F. Porter,
W. P. Beard,	H. K. Hay,	A. T. Pullen,

B. T. Birkhead,	P. R. Hays,	C. D. Reed,
John Botts,	W. J. Hissem,	D. H. Severs,
P. S. Bruner,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	Fenton Sims,
R. F. Comer,	W. W. Johnson,	C. C. Spalding,
L. J. Cox,	J. S. Joplin,	W. W. Stephenson,
James R. Dean,	R. M. Kincheloe,	Lewis E. Thomas,
J. E. Durham,	Lewis Y. Leavell,	J. R. Thomas,
John Finn,	H. P. Lively,	D. W. Tribble,
George Will. Follis,	W. H. May,	Geo. E. Willett,
Wm. Garrison,	W. F. Neat,	John D. Woods—50.
S. M. Gough,	Eli Nicholls,	

In the negative—A. J. Carroll—1.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 522, entitled A bill to amend an act, entitled "An act relating to crimes and punishments," approved April 10, 1893.

The motion, heretofore entered by Mr. O'Meara to reconsider the vote by which said bill was refused its third reading, was rejected.

The House took from the orders of the day S. B. 248, entitled An act to amend an act, entitled "An act to divide the State into one hundred Representative Districts."

Mr. J. R. Thomas proposed an amendment to said bill.

Mr. Carroll moved to postpone the further consideration of said bill until Wednesday, June 21, 1893, and that the same be made a special order for that day.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. J. R. Thomas and Peak, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Thos. H. Hanks,	Thos. S. Pettit,
W. W. Ayres,	A. L. Harned,	A. T. Pullen,
W. S. Bailey,	H. K. Hay,	C. D. Reed,
John Botts,	Daniel James,	D. H. Severs,
A. J. Carroll,	W. W. Johnson,	S. H. Shouse,
B. E. Caudill,	R. M. Kincheloe,	C. C. Spalding,

L. J. Cox,	Lewis Y. Leavell,	W. W. Stephenson,
James R. Dean,	C. W. Mathers,	D. W. Tribble,
S. M. Gough,	John S. May,	John D. Woods—29.
Geo. T. Halbert,	J. P. O'Meara,	

Those who voted in the negative, were—

R. F. Bass,	John Finn,	W. H. May,
W. P. Beard,	George Will. Follis,	W. F. Neat,
B. T. Birkhead,	Wm. Garrison,	Eli Nicholls,
P. S. Bruner,	P. R. Hays,	W. F. Peak,
Polk Cansler,	W. J. Hissem,	J. F. Porter,
R. F. Comer,	F. W. Hutcheson,	Fenton Sims,
W. J. Cox,	J. S. Joplin,	J. R. Thomas,
J. E. Durham,	H. P. Lively,	Geo. E. Willett—24.

Mr. Hissem introduced H. B. 575, entitled

A bill in relation to municipal corporations; referred to the Committee on Municipalities.

The House took from the orders of the day H. B. 571, entitled
A bill for the creation and organization of cities and towns in this Commonwealth.

Mr. Hissem moved to recommit said bill to the Committee on Municipalities.

Said motion was adopted.

The House took from the orders of the day a bill and resolution as follows, viz:

H. B. 560. A bill to provide for the incorporation of purchasers of railroads.

H. Resolution 109. Resolution directing the Public Printer to print 1,000 copies of an act relating to courts of justice.

Said bill and resolution were severally read the second time.

The House took from the orders of the day S. B. 252, entitled
An act to regulate the sale of dynamite, and providing a penalty for its unlawful use in this Commonwealth.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That it shall be unlawful for any person to sell, loan or give dynamite, or caps therefor, within this Commonwealth, without keeping a register of the amount sold, to whom sold, the date of sale, and for what purpose to be used.

Any person violating any of the provisions of this section shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 2. Any person or persons who shall willfully explode dynamite or other explosive substance within or under any house or building of any kind, whether the same shall be occupied or not, shall be guilty of a felony, and shall be confined in the penitentiary for a period of not less than two nor more than ten years.

§ 3. Because there is great damage being done by the improper use of dynamite, and the punishment provided by law for same is inadequate to stop its unlawful use, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	W. F. Neat,
W. W. Ayres,	S. M. Gough,	Eli Nicholls,
W. S. Bailey,	Geo. T. Halbert,	J. P. O'Meara,
R. F. Bass,	Thos. H. Hanks,	W. F. Peak,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	A. T. Pullen,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
A. J. Carroll,	Daniel James,	Fenton Sims,
B. E. Caudill,	W. W. Johnson,	C. C. Spalding,
R. F. Comer,	J. S. Joplin,	W. W. Stephenson,
L. J. Cox,	R. M. Kincheloe,	Lewis E. Thomas,
W. J. Cox,	Lewis Y. Leavell,	J. R. Thomas,
James R. Dean,	H. P. Lively,	D. W. Tribble,
J. E. Durham,	C. W. Mathers,	Geo. E. Willett,
John Finn,	W. H. May,	John D. Woods—53.
George Will. Follis,	John S. May,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz:

S. B. 230. An act for the government of cities of the fourth class,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

Mr. W. J. Cox moved the adoption of the following resolution, viz :

WHEREAS, The Hon. Louis Jones, for eight years a member of the House of Representatives, and one term a member of the Senate, died at his home in Muhlenberg county on Friday, the ninth day of June, 1893 ; therefore, be it

Resolved, That as a token of our appreciation of the true courage and nobility of this estimable gentlemen, and as an expression of our sympathy for his bereaved family, this House do now adjourn, and that the Clerk be directed to transmit to the family of the deceased a copy of this resolution.

Said resolution was adopted.

And then the House adjourned.

MONDAY, JUNE 19, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayney, of the Presbyterian Church.

Mr. Botts, as Speaker *pro tem.*, in the chair.

The Journal of Saturday was approved.

Mr. Woods offered the following resolution, which was adopted, viz :

Resolved by the House of Representatives of the General Assembly of Kentucky : 1. That Hon. W. H. Dulaney, President, on and in behalf of the Commissioners appointed by the Gov-

ernor to manage the exhibits of the State's resources at the Columbian Exposition at Chicago, be, and he is hereby, requested to report at as early period as is possible, a completely detailed and itemized account of all receipts and expenditures connected therewith, since the trust was formally placed in the hands of the Commissioners.

2. That he be requested to give the amounts expended on buildings and furnishing therewith connected; the names of all officers and employes heretofore or now receiving salaries; the amounts paid each or to be paid hereafter; the amount of money now on hand; the amount estimated to be necessary to retain to pay salaries of officers and employes hereafter; the several amounts appropriated for the exhibition of live stock, agricultural and horticultural products, forestry and mining exhibits, and any or all other exhibits credited to Kentucky and pertaining to its industries and resources.

3. That the expenditures and execution of the trust, be so separately and concisely stated that the public may have a definite idea of the displays made in the several departments, the cost of each, and the cost of buildings and officers and employes.

4: That the Clerk of the House be directed to forward these resolutions at once to Hon. W. H. Dulaney, President, etc., at Chicago.

The following resolutions and bill were introduced and referred, viz :

By Mr. Severs—

H. Resolution 113. Resolution in relation to the printing of reports of Geological Survey; referred to Committee on Geological Survey.

By Mr. Hart—

H. Resolution 114. Resolution appropriating money to retouch and regild the portraits belonging to the State; referred to the committee on Public Offices and Library.

By Mr. Hissem—

H. Resolution 115. Resolution directing the Public Printer to print 2,000 copies of the law on roads and passways; referred to the Committee on Printing and Accounts.

By Mr. Hart—

H. B. 576.

[NOTE.—This bill was taken from the Clerk's desk by someone and never returned.]

A message was received from the Senate, announcing that

they had received official information that the Governor had approved and signed S. B. 226, entitled

An act to provide for the more perfect and uniform indexing of the public records in counties of this Commonwealth having a population of 75,000 or more.

That they had passed bills, which originated in the House, of the following titles, viz :

H. B. 547. An act to provide for lighting the Governor's Mansion and other State buildings at Frankfort with electricity instead of gas.

H. B. 546. An act authorizing the Warden to employ convict labor and extend the sewer along Mero street to low water-mark in the Kentucky river, and declaring an emergency.

H. B. 502. An act to authorize the county courts to maintain abandoned turnpike roads in this Commonwealth.

H. B. 538. An act to amend an act, entitled "An act relating to State Penitentiary," approved 1893, and declaring an emergency.

H. B. 528. An act in relation to commissioners and receivers of circuit courts,

With amendments to the last three named bills.

That they had passed S. B. 250, entitled

An act relating to the employes of the General Assembly.

Ordered, That said bill be referred to the Committee on Claims.

That they had receded from an amendment proposed by the Senate, and rejected by the House, to S. B. 225, entitled

An act for the government of cities of the fifth class,

And had passed said bill.

That they had concurred in amendments proposed by the House to S. B. 236, entitled

An act to regulate and control turnpike, gravel and plank roads,

With amendments to the House amendments.

That they had agreed to the report of the Conference Committee on S. B. 165, entitled

An act in relation to descent and distribution, and entitled "Descent and Distribution."

The House took up said bill for consideration.

Mr. O'Meara, from the Committee of Conference on the part of the House, submitted the following report in writing, which was adopted :

The Joint Committee of Conference, having under consideration the differences between the Senate and House of Representatives on Senate bill 165, respectfully submit this, their joint report :

It is recommended that the House recede from amendment No. 1, and that the Senate concur in amendment No. 2, amended by adding thereto the following : " And bastards shall be capable of inheriting from their mother and their mother's kindred in the same manner."

Respectfully submitted,

Senate Committee,

J. S. WORTHAM,

J. B. HANNAH,

JOHN W. OGILVIE.

House Committee,

J. P. O'MEARA,

J. E. DURHAM.

Ordered, That said bill be placed in the orders of the day.

The House took from the orders of the day bills and a resolution as follows, viz :

H. B. 560. A bill providing for the incorporation of the purchasers of railroads.

H. B. 574. A bill to continue the page in the Governor's office.

H. Resolution 111. Resolution directing the Public Printer to print one thousand copies of the act in relation to the running at large of stock.

Said bills and resolution were severally read the second time by their titles,

The constitutional provision as to the reading of same the second time at length being dispensed with.

Mr. Kremer moved that the House do now adjourn.

Said motion was rejected.

The yeas and nays being required thereon by Messrs. Hart and Kremer, were as follows, viz :

In the affirmative—W. F. Neat—1.

Those who voted in the negative, were—

Lewis Alexander, Sr.,	S. M. Gough,	C. W. Mathers,
W. W. Ayres,	Geo. T. Halbert,	W. H. May,
W. P. Beard,	Thos. H. Hanks,	John S. May,
B. T. Birkhead,	U. G. Harlow,	Eli Nicholls,
John Botts,	R. K. Hart,	J. P. O'Meara,
P. S. Bruner,	H. K. Hay,	Thos. S. Pettit,
Polk Cansler,	P. R. Hays,	J. F. Porter,
B. E. Caudill,	W. J. Hissem,	A. T. Pullen,
F. P. Combest,	Berry Howard,	R. E. Roberts,
R. F. Comer,	F. W. Hutcheson,	D. H. Severs,
L. J. Cox,	Daniel James,	S. H. Shouse,
W. J. Cox,	W. W. Johnson,	Fenton Sims,
James R. Dean,	J. S. Joplin,	W. W. Stephenson,
J. E. Durham,	R. M. Kincheloe,	Lewis E. Thomas,
John Finn,	Henry Kremer,	J. R. Thomas,
George Will. Follis,	Lewis Y. Leavell,	Geo. E. Willett,
Wm. Garrison,	H. P. Lively,	John D. Woods—51.

So said motion was rejected.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills and a joint resolution, which originated in the Senate, of the following titles, viz:

S. B. 224. An act dividing the State into thirty-eight Senatorial Districts;

S. B. 245. An act concerning turnpike road bonds issued or to be issued under laws heretofore enacted, and taxes to be levied to pay the same;

S. B. 247. An act to amend an act to regulate the running at large of stock, approved May 16, 1893, and declaring an emergency;

S. Resolution 59. Resolution providing a curator for the cabinet and other property of the Geological Survey;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills and resolution would now be read, and that he would sign the same to the end that they might become laws.

Said bills and resolution were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills and resolution to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty on this day.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 550. An act to empower the trustees of the State Normal School for Colored Persons at Frankfort to build a dormitory ;

H. B. 534. An act for the government of cities of the first class ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign the same to the end that they may become laws.

Said bills were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

And then the House adjourned.

TUESDAY, JUNE 20, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayney, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	George Will. Follis,	C. W. Mathers,
Lewis Alexander, Sr.,	Wm. Garrison,	W. H. May,
W. W. Ayres,	S. M. Gough,	W. F. Neat,
John Bartman,	Geo. T. Halbert,	Eli Nicholls,
W. P. Beard,	Thos. H. Hanks,	J. P. O'Meara,
B. T. Birkhead,	U. G. Harlow,	Thos. S. Pettit,
John Botts,	R. K. Hart,	J. F. Porter,
P. S. Bruner,	H. K. Hay,	A. T. Pullen,
Polk Cansler,	P. R. Hays,	I. M. Quigley,
A. J. Carroll,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	S. H. Shouse,
F. P. Combest,	Daniel James,	C. C. Spalding,
R. F. Comer,	W. W. Johnson,	W. W. Stephenson,
L. J. Cox,	J. S. Joplin,	Lewis E. Thomas,
Will J. Cox,	R. M. Kincheloe,	J. R. Thomas,
James R. Dean,	Lewis Y. Leavell,	Geo. E. Willett,
J. E. Durham,	H. P. Lively,	John D. Woods—52.
John Finn,		

The following members were absent, viz:

T. J. Arnett,	J. C. Glenn,	E. M. Pryse,
W. S. Bailey,	A. L. Harned,	C. D. Reed,
Posey D. Ball,	B. B. Hensley,	R. E. Roberts,
John T. Bashaw,	Berry Howard,	John Ryan,
R. F. Bass,	T. S. Kirk,	Waller Sharp,
B. F. Bennett,	Henry Kremer,	Fenton Sims,
A. H. Charlton,	William Krieger,	W. R. Stewart,
Wesley Crow,	John M. Letterle,	J. R. Summers,
J. S. Cullen,	John S. May,	Samuel O. Tate,
J. M. Dawson, Jr.,	Hiram McElroy,	John M. Tinsley,
E. M. Dickson,	M. D. McInerney,	D. W. Tribble,
D. B. Edmiston,	Harvey Myers,	N. S. Walton,
McD. Ferguson,	John Lee Payne,	J. H. Welch,
J. M. Frazee,	W. F. Peak,	H. P. Whitaker,
Ben. F. Gardner,	J. A. Perkins,	B. F. Willett,
J. P. Gay,	Granville Philpot,	R. B. Wilson—48.

The Journal of yesterday was approved.

Mr. Pettit, from the Committee on Corporate Institutions, reported bills as follows, viz :

H. B. 378. A bill to incorporate secret organizations ;

H. B. 398. A bill appointing commissioners to select a place in the corporate limits of the town of Salyersville whereon to build a court-house and other public buildings for Magoffin county, and to agree on terms of compensation for such ground as may be selected ;

With expression of opinion that said bills should not pass.

Said bills were severally read the first time.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

The House took up for consideration the special order of the day, viz :

H. B. 498. A bill imposing a collateral inheritance tax.

Ordered, That said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That all property within the jurisdiction of this State, and any interest therein, whether belonging to inhabitants of this State or not, and whether tangible or intangible, which shall pass by will or by the interstate laws of this State, or by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor, to any person in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant, adopted child, the lineal descendant of any adopted child, the wife or widow of a son, the husband of the daughter of a descendant, shall be liable to a tax of five per centum of its value, above the sum of ten thousand dollars, for the use of the State, and all administrators, executors and trustee, any such grantor under a conveyance made during the grantor's life shall be liable for all such taxes, with lawful interest as hereinafter provided, until the same shall have been paid as hereinafter directed.

§ 2. When any person shall bequeath or devise any property to or for the use of father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant and adopted child, the lineal descendant of any adopted child, the wife or widow of a son, or the husband of a daughter during life or for a term of years, and the remainder to a collateral heir, or to a stranger to the blood, the value of the prior estate shall, within sixty days

after the death of the testator, be appraised in the manner provided, and deducted, together with the sum of ten thousand dollars, from the appraised value of such property, and the tax on the remainder shall be payable one year from the death of said testator, and, together with any interest that may accrue on the same, be and remain a lien on said property till paid to the State.

§ 3. Whenever a decedent appoints one or more executors or trustees, and in lieu of their allowance, makes a bequest or devise of property to them which would otherwise be liable to said tax, or appoints them his residuary legatees, and said bequests, devises or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to such tax, and the county court having jurisdiction of their accounts shall fix such compensation.

§ 4. All taxes imposed by this act shall be paid to the sheriff of the county in which the court having jurisdiction of the estate or accounts is situated, by the executors, administrators or trustees within one year from the death of said testator or intestate, or the qualification of said trustees; and if the same are not so paid, interest at the rate of six per centum shall be charged and collected thereon from the time said tax became due.

§ 5. Any administrator, executor or trustee, having in charge or trust any property subject to such tax, shall deduct the tax thereon from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon.

§ 6. Whenever any legacies subject to said tax shall be charged upon or payable out of any real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom and pay it to the executor, administrator, or trustee, and the same shall remain a charge upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator, or trustee in the same manner as the payment of the legacy itself could be enforced.

§ 7. If any such legacy be given in money to any person for a limited period, such administrator, executor or trustee shall retain the tax on the whole amount; but if it be not in money, he shall make an application to the court having jurisdiction of his accounts to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatee on account of said tax, and for such further order as the case may require.

§ 8. All administrators, executors and trustees shall have power to sell so much of the estate of the deceased as will enable them to pay said tax, in the same manner as they may be empowered to do for the payment of his debt.

§ 9. Within ten days after the filing of the inventory of every such estate, any part of which may be subject to a tax under the provisions of this act, the judge of the county court in

which such inventory is filed shall make and deliver to the county clerk of any such county a copy of such inventory, or if the same can be conveniently separated, a copy of such estate, with the appraised value thereof; the county clerk shall certify the value of said estate subject to taxation hereunder, and the amount of taxes due therefrom to the sheriff of the county, who shall collect and pay the same into the State Treasury to the credit of the general expenditure fund, at the time of making his annual settlement with the Auditor.

§ 10. Whenever any of the real estate of a decedent shall so pass to another person as to become subject to said tax, the executor, administrator or trustee of the decedent shall inform the county judge thereof within six months after he has assumed the duties of his trust, or if the fact is not known to him within that time, then within one month from the time that it does become known to him.

§ 11. The value of such property as may be subject to said tax shall be its fair cash value as found by the county court, but the State, through the county attorney or any person interested in the succession to said property, may apply to the county court having jurisdiction of the estate; and on such application the court shall appoint three disinterested persons who, being first sworn, shall view and appraise such property at its fair cash value for the purpose of said tax, and shall make return thereof to said court, which return may be accepted by said court in the same manner as the original inventory of such estate is accepted, and if so accepted, it shall be binding upon the person by whom this tax is to be paid, and upon the estate.

§ 12. The county court, having either principal or auxiliary jurisdiction of the settlement of the estate of the decedent, shall have jurisdiction to hear and determine all questions in relation to said tax that may arise affecting any devise, legacy or inheritance under this act, subject to appeal as in other cases, and the county attorney shall represent the interest of the State in any such proceedings.

§ 13. The judge of each county court shall, as often as once in six months, render to the county clerk a statement of the property within the jurisdiction of his court that has become subject to said tax during such period, the number and the amount of such taxes as will accrue during the next six months, so far as the same can be determined from the records, and the number and amount of such taxes as are due and unpaid.

§ 14. The fees of all officers having duties to perform under the provisions of this act shall be paid by the county, and shall be the same as now allowed by law for similar services; in the calculation of amounts due the State, the cost of collection and other necessary and legitimate expenses incurred by the county in the collection of such taxes shall be charged to the State and deducted from the amount of taxes to be paid into the State Treasury.

§ 15. No final settlement of the accounts of any executor, administrator or trustee shall be accepted or allowed by the county court unless it shall show and the judge of said court shall find that all taxes imposed by the provisions of this act upon any property or interest therein, belonging to the estate to be settled by said accounts shall have been paid, and the receipt of the sheriff shall be the proper voucher for such payment.

§ 16. This act shall be in full force and effect ninety days after the adjournment of this General Assembly.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	John Finn,	J. P. O'Meara,
B. T. Birkhead,	George Will. Follis,	Thos. S. Pettit,
John Botts,	S. M. Gough,	J. F. Porter,
P. S. Bruner,	H. P. Lively,	A. T. Pullen,
Polk Cansler,	C. W. Mathers,	D. H. Severs,
B. E. Caudill,	Eli Nicholls,	Geo. E. Willett--18.

Those who voted in the negative, were—

Mr. Speaker (Moore),	Wm. Garrison,	Lewis Y. Leavell,
W. W. Ayres,	Thos. H. Hanks,	W. H. May,
Posey D. Ball,	U. G. Harlow,	W. F. Neat,
John Bartman,	R. K. Hart,	I. M. Quigley,
W. P. Beard,	P. R. Hays,	S. H. Shouse,
A. J. Carroll,	W. J. Hissem,	Fenton Sims,
F. P. Combest,	F. W. Hutcheson,	C. C. Spalding,
R. F. Comer,	Daniel James,	W. W. Stephenson,
L. J. Cox,	W. W. Johnson,	Lewis E. Thomas,
W. J. Cox,	J. S. Joplin,	J. R. Thomas,
James R. Dean,	R. M. Kincheloe,	John D. Woods--34.
J. E. Durham,		

The House took from the orders of the day H. Resolution 111, entitled

Resolution directing the Public Printer to print one thousand copies of the act in relation to the running at large of stock.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and rejected, as follows, viz :

Be it resolved by the General Assembly of the Commonwealth of Kentucky : 1. That the Public Printer be, and he is hereby,

directed to print one thousand copies of the bill, entitled "An act regulating the running at large of stock in this Commonwealth;" also an amendment thereto by way of an emergency clause.

2. Because of the necessity of the law being distributed, an emergency is hereby declared, and this resolution shall take effect when approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	John Finn,	J. P. O'Meara,
Posey D. Ball,	W. J. Hissem,	C. C. Spalding,
L. J. Cox,	Daniel James,	B. F. Willett—10.
W. J. Cox,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	Wm. Garrison,	W. F. Neat,
W. W. Ayres,	S. M. Gough,	Eli Nicholls,
John Bartman,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	R. K. Hart,	A. T. Pullen,
John Botts,	H. K. Hay,	R. E. Roberts,
P. S. Bruner,	P. R. Hays,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
A. J. Carroll,	J. S. Joplin,	Fenton Sims,
F. P. Combest,	R. M. Kincheloe,	W. W. Stephenson,
R. F. Comer,	Lewis Y. Leavell,	J. R. Thomas,
James R. Dean,	H. P. Lively,	Geo. E. Willett,
J. E. Durham,	C. W. Mathers,	John D. Woods—41.
Geo. Will. Follis,	W. H. May,	

The House took from the orders of the day S. B. 165, entitled
An act in relation to descent and distribution, and entitled
"Descent and Distribution."

Said bill was passed as amended.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will. Follis,	W. F. Neat,
Lewis Alexander, Sr.,	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	S. M. Gough,	J. P. O'Meara,
Posey D. Ball,	Thos. H. Hanks,	Thos. S. Pettit,

John Bartman,	U. G. Harlow,	J. F. Porter,
W. P. Beard,	R. K. Hart,	A. T. Pullen,
B. T. Birkhead,	H. K. Hay,	R. E. Roberts,
John Botts,	P. R. Hays,	D. H. Severs,
P. S. Bruner,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	Fenton Sims,
A. J. Carroll,	Daniel James,	C. C. Spalding,
F. P. Combest,	J. S. Joplin,	W. W. Stephenson,
R. F. Comer,	R. M. Kincheloe,	Lewis E. Thomas,
L. J. Cox,	Lewis Y. Leavell,	J. R. Thomas,
W. J. Cox,	H. P. Lively,	J. H. Welch,
James R. Dean,	C. W. Mathers,	Geo. E. Willett,
J. E. Durham,	W. H. May,	John D. Woods—52.
John Finn,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 560, entitled
A bill providing for the incorporation of the purchasers of railroads.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. Whenever any railroad shall be sold under and by virtue of any decree of a court, or in pursuance to a power of sale contained in any deed of trust or mortgage, purchasers of such railroad shall be entitled to form a corporation as provided in article 5, chapter 171, and being an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, and upon the formation of such corporation it shall become and be entitled to all the rights and privileges, and be subject to all the duties and liabilities imposed by such article.

§ 2. The purchasers aforesaid may provide for new issues of stocks and bonds not exceeding the amount of such stock and the amount due on such bonds outstanding at the time of such sale, and may provide for a proportionate increase thereof, when and as there may be constructed additional railroad tracks.

§ 3. In case of any such sale, such railroad shall be purchased by any trustee or other person in behalf of the holders of all or a majority of any issue of bonds, the purchasers shall not be entitled to form a corporation, unless they shall provide for the issue of new securities, upon fair and equitable terms to all of the previous holders of bonds and stock who shall, within a fixed reasonable time, elect to accept the same on such terms;

and for this purpose it shall be the duty of such purchasers to present and file in the suit, when the sale has been under a decree or otherwise, by petition in equity in the circuit court of any county through or into which said road is constructed, a statement of the plan of such reorganization, and if it shall be approved by the court as fair and equitable, the court shall take such steps as may be necessary to insure the due execution thereof.

§ 4. Where any county, city or other taxing district in this State shall be the holder of stock or bonds on any railroad sold as aforesaid, the authorities thereof shall have power to accept the benefit of any plan of reorganization, approved by court as above provided, and shall have power to comply with the terms thereof.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	W. F. Neat,
Lewis Alexander, Sr.,	George Will. Folлис,	Eli Nicholls,
W. W. Ayres,	S. M. Gough,	J. P. O'Meara,
Posey D. Ball,	Thos. H. Hanks,	W. F. Peak,
John Bartman,	U. G. Harlow,	Thos. S. Pettit,
W. P. Beard,	H. K. Hay,	J. F. Porter,
B. T. Birkhead,	P. R. Hays,	A. T. Pullen,
John Botts,	W. J. Hissem,	I. M. Quigley,
P. S. Bruner,	F. W. Hutcheson,	R. E. Roberts,
Polk Cansler,	Daniel James,	D. H. Severs,
A. J. Carroll,	W. W. Johnson,	S. H. Shouse,
F. P. Combest,	J. S. Joplin,	Fenton Sims,
R. F. Comer,	R. M. Kincheloe,	C. C. Spalding,
L. J. Cox,	Lewis Y. Leavell,	W. W. Stephenson,
W. J. Cox,	H. P. Lively,	Lewis E. Thomas,
James R. Dean,	C. W. Mathers,	J. R. Thomas,
J. E. Durham,	W. H. May,	John D. Woods—51.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day S. B. 236, entitled:
An act to regulate and control turnpike and gravel and plank roads,

With an amendment proposed by the Senate to an amendment proposed to said bill by the House.

Said amendment was concurred in.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	Eli Nicholls,
Lewis Alexander, Sr.,	George Will Follis,	J. P. O'Meara,
W. W. Ayres,	Wm. Garrison,	W. F. Peak,
Posey D. Ball,	S. M. Gough,	Thos. S. Pettit,
John Bartman,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	A. T. Pullen,
B. T. Birkhead,	H. K. Hay,	I. M. Quigley,
John Botts,	P. R. Hays,	D. H. Severs,
P. S. Bruner,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	Fenton Sims,
A. J. Carroll,	Daniel James,	C. C. Spalding,
B. E. Caudill,	W. W. Johnson,	W. W. Stephenson,
F. P. Combest,	J. S. Joplin,	Lewis E. Thomas,
R. F. Comer,	R. M. Kincheloe,	J. R. Thomas,
L. J. Cox,	Lewis Y. Leavell,	J. H. Welch,
W. J. Cox,	H. P. Lively,	B. F. Willett,
James R. Dean,	C. W. Mathers,	Geo. E. Willett,
J. E. Durham,	W. H. May,	John D. Woods—54.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 537, entitled

A bill to amend an act, entitled "An act relating to State penitentiary," approved —, 1893, and declaring an emergency,

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Wm. Garrison,	Eli Nicholls,
Lewis Alexander, Sr.,	S. M. Gough,	W. F. Peak,
W. W. Ayres,	Geo. T. Halbert,	Thos. S. Pettit,
John Bartman,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	A. T. Pullen,
B. T. Birkhead,	H. K. Hay,	R. E. Roberts,

John Botts,	P. R. Hays,	D. H. Severs,
P. S. Bruner,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	Fenton Sims,
A. J. Carroll,	Daniel James,	C. C. Spalding,
B. E. Caudill,	W. W. Johnson,	W. W. Stephenson,
R. F. Comer,	J. S. Joplin,	Lewis E. Thomas,
L. J. Cox,	R. M. Kincheloe,	J. R. Thomas,
W. J. Cox,	Lewis Y. Leavell,	J. H. Welch,
James R. Dean,	H. P. Lively,	B. F. Willett,
J. E. Durham,	C. W. Mathers,	Geo. E. Willett,
John Finn,	W. H. May,	John D. Woods—53.
George Will. Follis,	W. F. Neat,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 528, entitled
A bill in relation to commissioners and receivers of circuit
courts,

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of
the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Geo. T. Halbert,	W. F. Peak,
Lewis Alexander, Sr.,	Thos. H. Hanks,	Thos. S. Pettit,
W. W. Ayres,	U. G. Harlow,	J. F. Porter,
John Bartman,	R. K. Hart,	A. T. Pullen,
W. P. Beard,	P. R. Hays,	I. M. Quigley,
B. T. Birkhead,	W. J. Hissem,	R. E. Roberts,
P. S. Bruner,	F. W. Hutcheson,	D. H. Severs,
Polk Cansler,	Daniel James,	S. H. Shouse,
B. E. Caudill,	W. W. Johnson,	Fenton Sims,
R. F. Comer,	J. S. Joplin,	C. C. Spalding,
L. J. Cox,	R. M. Kincheloe,	W. W. Stephenson,
W. J. Cox,	Lewis Y. Leavell,	Lewis E. Thomas,
James R. Dean,	H. P. Lively,	J. R. Thomas,
J. E. Durham,	C. W. Mathers,	J. H. Welch,
John Finn,	W. F. Neat,	B. F. Willett,
George Will Follis,	Eli Nicholls,	Geo. E. Willett,
Wm. Garrison,	J. P. O'Meara,	John D. Woods—51.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 502, entitled
A bill to authorize the county courts to maintain abandoned
turnpike roads in this Commonwealth,

With an amendment proposed thereto by the Senate.

Said amendment was disagreed to.

The House took from the orders of the day H. Resolution 109,
entitled

Resolution directing the Public Printer to print one thousand
copies of an act relating to courts of justice.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and rejected, as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky : 1. That the Public Printer be, and he is hereby, directed to print for use of the members of this General Assembly one thousand copies of an act relating to courts of justice.

2. As this act is now in force, the necessity that the courts and people should be informed of its provisions creates an emergency, and this resolution shall take effect upon its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	J. P. O'Meara,
Lewis Alexander, Sr.,	Geo. T. Halbert,	W. F. Peak,
W. W. Ayres,	Thos. H. Hanks,	J. F. Porter,
John Bartman,	U. G. Harlow,	A. T. Pullen,
W. P. Beard,	B. B. Hensley,	I. M. Quigley,
John Botts,	W. J. Hissem,	C. D. Reed,
P. S. Bruner,	F. W. Hutcheson,	R. E. Roberts,
Polk Cansler,	Daniel James,	D. H. Severs,
B. E. Caudill,	W. W. Johnson,	Fenton Sims,
F. P. Combest,	J. S. Joplin,	C. C. Spalding,
R. F. Comer,	R. M. Kincheloe,	W. W. Stephenson,
W. J. Cox,	Lewis Y. Leavell,	Lewis E. Thomas,
L. J. Cox,	H. P. Lively,	J. R. Thomas,
James R. Dean,	W. F. Neat,	Geo. E. Willett—42.

Those who voted in the negative, were—

B. T. Birkhead,	P. R. Hays,	S. H. Shouse,
J. E. Durham,	C. W. Mathers,	B. F. Willett,
Wm. Garrison,	Thos. S. Pettit,	John D. Woods—10.
R. K. Hart,		

Mr. Woods entered a motion to reconsider the vote by which said resolution was rejected.

The House took from the orders of the day H. B. 570, entitled: An act to repeal an act, entitled "An act to incorporate the town of East View, in Hardin county," approved May 16, 1890.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:—

Be it enacted by the General Assembly of the Commonwealth of Kentucky: That an act, entitled "An act to incorporate the town of East View, in Hardin county," approved May 16, 1890, be, and the same is hereby, repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	S. M. Gough,	J. P. O'Meara,
Lewis Alexander, Sr.,	Geo. T. Halbert,	W. F. Peak,
W. W. Ayres,	Thos. H. Hanks,	Thos. S. Pettit,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	R. K. Hart,	A. T. Pullen,
John Botts,	H. K. Hay,	C. D. Reed,
P. S. Bruner,	P. R. Hays,	D. H. Severs,
Polk Cansler,	B. B. Hensley,	S. H. Shouse,
A. J. Carroll,	W. J. Hissem,	Fenton Sims,
B. E. Caudill,	Daniel James,	C. C. Spalding,
F. P. Combest,	W. W. Johnson,	W. W. Stephenson,
R. F. Comer,	J. S. Joplin,	Lewis E. Thomas,
L. J. Cox,	R. M. Kincheloe,	J. R. Thomas,
James R. Dean,	Louis Y. Leavell,	J. H. Welch,
J. E. Durham,	H. P. Lively,	B. F. Willett,
John Finn,	C. W. Mathers,	Geo. E. Willett,
George Will. Follis,	W. F. Neat,	John D. Woods—54.
Wm. Garrison,	Eli Nicholls,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Halbert moved the adoption of the following resolution, viz:

WHEREAS, The "Louisville Times" of June 19th, 1893, and other papers, have charged bribery and corruption against Frankfort people, and that members of this House had been bribed and offered bribes to cast their votes against the removal of the Capital from Frankfort to Louisville, and that the Hon. Albert Charlton, Representative from the Seventh District of Louisville, had represented that he had been approached by Frankfort lobbyists with offers of money to vote against Louisville, etc., and that he had further insinuated that a corruption fund was used to that end, otherwise Frankfort would not have secured the Capital; therefore, it is due this General Assembly to be informed by the Hon. Albert Charlton whether said publications are correct, and in order that this House may hear from him in person,

Resolved, That the Clerk of this House is directed to immediately telegraph the Hon. Albert Charlton to come to this city to give the House the facts within his knowledge of the corruption of its members, so that it may determine on the necessity for future action in the premises.

Said resolution was adopted.

The Enrolling Clerk reported that he had delivered H. B. 534, entitled

An act for the government of cities of the first class,

To the Senate, that the same had been signed by the presiding officer of the Senate, and delivered the enrolled and original bill to the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

And then the House adjourned.

WEDNESDAY, JUNE 21, 1893.

The House was opened with prayer by Rev. E. A. Penick, of the Episcopal Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	S. M. Gough,	W. F. Neat,
Lewis Alexander, Sr.,	Geo. T. Halbert,	Eli Nicholls,
W. W. Ayres,	Thos. H. Hanks,	W. F. Peak,
W. S. Bailey,	U. G. Harlow,	Thos. S. Pettit,
Posey D. Ball,	H. K. Hay,	J. F. Porter,
W. P. Beard,	P. R. Hays,	A. T. Pullen,
B. T. Birkhead,	B. B. Hensley,	C. D. Reed,
John Botts,	W. J. Hissem,	D. H. Severs,
P. S. Bruner,	F. W. Hutcheson,	S. H. Shouse,
Polk Cansler,	Daniel James,	C. C. Spalding,
B. E. Caudill,	W. W. Johnson,	W. W. Stephenson,
F. P. Combest,	J. S. Joplin,	Lewis E. Thomas,
R. F. Comer,	R. M. Kincheloe,	D. W. Tribble,
W. J. Cox,	T. S. Kirk,	N. S. Walton,
J. M. Dawson, Jr.,	Henry Kremer,	J. H. Welch,
James R. Dean,	Lewis Y. Leavell,	B. F. Willett,
John Finn,	H. P. Lively,	Geo. E. Willett,
George Will. Follis,	C. W. Mathers,	John D. Woods—56.
Wm. Garrison,	W. H. May,	

The following members were absent, viz :

T. J. Arnett,	Ben F. Gardner,	Granville Philpot,
John Bartman,	J. P. Gay,	E. M. Pryse,
John T. Bashaw,	J. C. Glenn,	I. M. Quigley,
R. F. Bass,	A. L. Harned,	R. E. Roberts,
B. F. Bennett,	R. K. Hart,	John Ryan,
A. J. Carroll,	Berry Howard,	Waller Sharp,
A. H. Charlton,	William Krieger,	Fenton Sims,
L. J. Cox,	John M. Letterle,	W. R. Stewart,
Wesley Crow,	John S. May,	J. R. Summers,
J. S. Cullen,	Hiram McElroy,	Samuel O. Tate,
E. M. Dickson,	M. D. McInerney,	J. R. Thomas,
J. E. Durham,	Harvey Myers,	John M. Tinsley,
D. B. Edmiston,	J. P. O'Meara,	H. P. Whitaker,
McD. Ferguson,	John Lee Payne,	R. B. Wilson—44.
J. M. Frazee,	J. A. Perkins,	

Mr. Sims, from the Committee on Judiciary, reported S. B. 249, entitled

An act prohibiting companies, associations and corporations of other States or countries from possessing, controlling, maintaining or operating any railway, or part thereof, in this State, until they have become corporations, citizens and residents of this State.

Said bill was read the second time.

Mr. Sims, from same committee, reported H. B. 517, entitled
A bill directing the Attorney-General of the Commonwealth of Kentucky to institute a certain suit against the Cincinnati, New Orleans and Texas Pacific Railway Company.

With the expression of opinion that it should not pass.

Said bill was read the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

Leave of absence, indefinitely, was granted Mr. Durham.

Mr. Kirk entered a motion to reconsider the vote by which the House rejected H. Resolution 111, entitled

Resolution directing the Public Printer to print one thousand copies of the act in relation to the running at large of stock.

Mr. Botts, from the Committee on Corporate Institutions, reported S. B. 241, entitled

An act to amend an act, entitled "An act providing for the creation and regulation of private corporations,"

With an amendment proposed thereto by the committee.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Ball, from the Committee on Federal Relations, reported H. B. 542, entitled

A bill to authorize the appropriation of money to defray the expenses of commissioners to the battle-fields of Chickamauga and Missionary Ridge.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Kremer, from the Committee on Municipalities, reported H. B. 571, entitled

A bill for the creation and organization of cities and towns of this Commonwealth,

With an amendment proposed thereto by the committee.

Said amendment was rejected.

Mr. Peak moved an amendment to said bill.

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time, and passed as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. No town shall become incorporated as such, unless it contains at least two hundred *bona fide* inhabitants residing within the boundaries proposed to be established for such town ; nor shall the boundary of any town or city, when incorporated, exceed one-fourth of a mile in each direction necessary to form a square.

§ 2. Whenever a petition, signed by at least two-thirds of the persons entitled to vote, and living within the boundary of the proposed town, is filed in the circuit court clerk's office of the county in which the greater part of the town is located, not less than twenty days before the commencement of the next regular term of said court, the petitioners shall cause notice of the filing of such petition, and the object thereof, to be published in two issues of some newspaper of general circulation published in the county ; or, if none, by notices posted up for at least ten days before the commencement of the term—one at the court-house door, and three others at public places within the boundary of the proposed town. The petition shall set out the metes and bounds of the proposed town, and the number of votes and inhabitants resident within the boundary thereof, the name proposed therefor, and such other facts as may be thought proper.

§ 3. On the second day of the term the court shall, if the proper notice has been given or publication made, and no defense is interposed, enter a judgment establishing a town in accordance with the prayer of the petition ; naming it, and describing the boundary thereof by metes and bounds, and appointing therefor not less than five trustees, a police judge, marshal and assessor, who shall hold their respective offices until the next election at which officers for cities and towns may be elected. Defense may be made to the petition by any inhabitant of the proposed town, and if defense is made, the court shall hear and determine the same and render a judgment establishing or refusing to establish a town, as may seem proper. But if the court shall be satisfied that the population within the prescribed boundary is sufficient, and the proper notice or publication has been made or given, it shall have no discretion as to the establishment of the town. The pleadings and practice, except as herein provided, shall be the same as in equity causes (but no appeal shall lie from the judgment).

§ 4. After a judgment establishing a town has been rendered, and until it has, by an act of the General Assembly, been assigned to such class as it belongs, all the provisions of the general laws relating to towns of the sixth class shall apply to and be in full force and effect in said town, the same as if said town belonged to the sixth class; and at the first regular election held after the judgment is entered establishing said town, at which officers for cities and towns may be elected, if it has not been theretofore assigned to another class, an election shall be held in the manner and as provided in the law relating to towns of the sixth class. When such town is by act of the General Assembly assigned to the class to which it belongs, all the laws relating to and governing the towns and cities of such class shall be in full force and effect in such town.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	W. F. Neat,
Lewis Alexander, Sr.,	S. M. Gough,	Eli Nicholls,
W. W. Ayres,	Thos. H. Hanks,	W. F. Peak,
W. S. Bailey,	U. G. Harlow,	Thos. S. Pettit,
Posey D. Ball,	H. K. Hay,	J. F. Porter,
John T. Bashaw,	P. R. Hays,	A. T. Pullen,
W. P. Beard,	B. B. Hensley,	I. M. Quigley,
B. T. Birkhead,	W. J. Hissem,	C. D. Reed,
John Botts,	F. W. Hutcheson,	D. H. Severs,
P. S. Bruner,	Daniel James,	S. H. Shouse,
A. J. Carroll,	W. W. Johnson,	Fenton Sims,
F. P. Combest,	J. S. Joplin,	W. W. Stephenson,
R. F. Comer,	R. M. Kincheloe,	J. R. Thomas,
W. J. Cox,	T. S. Kirk,	N. S. Walton,
J. M. Dawson, Jr.,	Henry Kremer,	J. H. Welch,
James R. Dean,	Lewis Y. Leavell,	B. F. Willett,
John Finn,	H. P. Lively,	Geo. E. Willett,
George Will. Follis,	C. W. Mathers,	John D. Woods—55.
Wm. Garrison,		

In the negative—Polk Cansler—1.

Resolved. That said bill do pass, and that the title thereof be as follows, viz:

An act for the creation and organization of towns of this Commonwealth.

A message was received from the Senate, announcing that they had received official information that the Governor had approved

and signed bills, which originated in the House, of the following titles, viz:

S. B. 103. An act relating to fees.

S. B. 188. An act regulating and providing for a Court of Appeals.

S. B. 213. An act relating to evidence.

That they had refused to concur in an amendment proposed by the House to S. B. 59, entitled

An act concerning the liability of railroad companies for the negligence of fellow-servants in their employ.

Ordered, That said bill be referred to the Committee on Railroads and Commerce.

A message was received from the Governor, announcing that he had approved and signed H. B. 289, entitled

An act to provide how the printing, binding and stationery used by the State shall be furnished.

The House took up for consideration the special order of the day, viz:

H. B. 569. A bill defining grand and petit larceny, and fixing the punishment thereof.

Mr. Pryse having heretofore moved the following substitute for said bill, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That persons guilty of larceny of goods, money, chattels or other property of the value of thirty dollars or more, shall be punished by confinement in the penitentiary not less than one nor more than five years.

§ 2. Any person, except a female, who shall steal a hog of less value than four dollars, or who is convicted of the larceny of money, goods, chattels or other property of less value than thirty dollars, shall be punished by stripes well laid on the bare back, not to exceed thirty-nine, by the sheriff of the county, or other officer who may be designated by the court for that purpose; females convicted of petit larceny shall be confined in the county jail not more than thirty days.

§ 3. All laws or parts of laws in conflict with this law are hereby repealed.

Mr. Bashaw moved to amend said substitute by striking from section 2 these words: "Except a female, who shall steal a hog of less value than four dollars."

Said amendment was rejected.

Said substitute was rejected.

Ordered, That said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That persons guilty of larceny of goods, money, chattels or other property of the value of twenty dollars or more, shall be punished by confinement in the penitentiary not less than one nor more than five years.

§ 2. Any person, except a female, who shall steal a hog of less value than four dollars, or who is convicted of the larceny of money, goods, chattels or other property of less value than twenty dollars, shall be punished by stripes well laid on the bare back, by the sheriff of the county, or other officer who may be designated by the court for that purpose, not exceeding one stripe for each one dollar in value of the property stolen; females convicted of petit larceny shall be confined in the county jail not more than thirty days.

§ 3. All laws or parts of laws in conflict with this law are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	P. R. Hays,	A. T. Pullen,
Lewis Alexander, Sr.,	B. B. Hensley,	S. H. Shouse,
W. W. Ayres,	J. S. Joplin,	Fenton Sims,
B. E. Caudill,	R. M. Kincheloe,	J. R. Thomas,
J. M. Dawson, Jr.,	C. W. Mathers,	D. W. Tribble,
James R. Dean,	J. F. Porter,	Geo. E. Willett—18.

Those who voted in the negative, were—

W. S. Bailey,	Wm. Garrison,	Eli Nicholls,
Posey D. Ball,	S. M. Gough,	J. P. O'Meara,
W. P. Beard,	Geo. T. Halbert,	W. F. Peak,
John Botts,	Thos. H. Hanks,	Thos. S. Pettit,
P. S. Bruner,	W. J. Hissem,	C. D. Reed,
Polk Cansler,	F. W. Hutcheson,	R. E. Roberts,
A. J. Carroll,	Daniel James,	Lewis E. Thomas,
F. P. Combest,	W. W. Johnson,	N. S. Walton,
R. F. Comer,	Henry Kremer,	J. H. Welch,
W. J. Cox,	H. P. Lively,	B. F. Willett,
John Finn,	W. F. Neat,	John D. Woods—33.

So said bill was rejected.

The Enrolling Clerk returned from the Senate bills as follows, viz:

H. B. 550. An act to empower the trustees of the State Normal School for Colored Persons at Frankfort to build a dormitory;

H. B. 534. An act for the government of cities of the first class;

And delivered the original and enrolled bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

The House took up for consideration S. B. 248, entitled

An act to amend an act, entitled "An act to divide the State into one hundred Representative Districts."

Mr. J. R. Thomas moved to amend said bill by adding Breathitt to the district composed of the counties of Morgan and Magoffin.

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. J. R. Thomas and Caudill, were as follows, viz:

Those who voted in the affirmative, were—

W. W. Ayres,	Wm. Garrison,	Eli Nicholls,
W. P. Beard,	Geo. T. Halbert,	J. P. O'Meara,
B. T. Birkhead,	H. K. Hay,	W. F. Peak,
P. S. Bruner,	P. R. Hays,	C. D. Reed,
B. E. Caudill,	W. J. Hissem,	S. H. Shouse
F. P. Combest,	F. W. Hutcheson,	Fenton Sims,
R. F. Comer,	T. S. Kirk,	J. R. Thomas,
W. J. Cox,	H. P. Lively,	N. S. Walton—25.
George Will. Follis,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	S. M. Gough,	Thos. S. Pettit,
Lewis Alexander, Sr.,	Thos. H. Hanks,	J. F. Porter,
W. S. Bailey,	R. K. Hart,	A. T. Pullen,
John Bartman,	B. B. Hensley,	I. M. Quigley,
John Botts,	Daniel James,	D. H. Severs,

A. J. Carroll,	W. W. Johnson,	W. W. Stephenson,
L. J. Cox,	Lewis Y. Leavell,	B. F. Willett,
J. M. Dawson, Jr.,	C. W. Mathers,	Geo. E. Willett,
James R. Dean,	M. D. McInerney,	John D. Woods—29.
John Finn,	W. F. Neat,	

So said amendment was rejected.

The hour of adjournment having arrived, the House adjourned.

THURSDAY, JUNE 22, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayney, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	J. P. Gay,	Eli Nicholls,
Lewis Alexander, Sr.,	Geo. T. Halbert,	J. P. O'Meara,
W. W. Ayres,	Thos. H. Hanks,	W. F. Peak,
W. S. Bailey,	U. G. Harlow,	Thos. S. Pettit,
John T. Bashaw,	R. K. Hart,	J. F. Porter,
W. P. Beard,	H. K. Hay,	A. T. Pullen,
B. T. Birkhead,	P. R. Hays,	C. D. Reed,
John Botts,	B. B. Hensley,	D. H. Severs,
P. S. Bruner,	W. J. Hissem,	S. H. Shouse,
Polk Cansler,	F. W. Hutcheson,	W. W. Stephenson,
B. E. Caudill,	Daniel James,	W. R. Stewart,
R. F. Comer,	W. W. Johnson,	Lewis E. Thomas,
W. J. Cox,	J. S. Joplin,	D. W. Tribble,
J. M. Dawson, Jr.,	R. M. Kincheloe,	N. S. Walton,
James R. Dean,	T. S. Kirk,	B. F. Willett,
John Finn,	Lewis Y. Leavell,	Geo. E. Willett,
George Will. Follis,	C. W. Mathers,	John D. Woods—51.

The following members were absent, viz:

T. J. Arnett,	Ben. F. Gardner,	J. A. Perkins,
Posey D. Ball,	J. C. Glenn,	Granville Philpot,
John Bartman,	S. M. Gough,	E. M. Pryse,
R. F. Bass,	A. L. Harned,	I. M. Quigley,

B. F. Bennett,	Berry Howard,	R. E. Roberts,
A. J. Carroll,	Henry Kremer,	John Ryan,
A. H. Charlton,	William Krieger,	Waller Sharp,
F. P. Combest,	Jno. M. Letterle,	Fenton Sims,
L. J. Cox,	H. P. Lively,	C. C. Spalding,
Wesley Crow,	W. H. May,	J. R. Summers,
J. S. Cullen,	John S. May,	Samuel O. Tate,
E. M. Dickson,	Hiram McElroy,	J. R. Thomas,
J. E. Durham,	M. D. McInerney,	John M. Tinsley,
D. B. Edmiston,	Harvey Myers,	J. H. Welch,
McD. Ferguson,	W. F. Neat,	H. P. Whitaker,
J. M. Frazee,	John Lee Payne,	R. B. Wilson—49.
Wm. Garrison,		

The Journal of yesterday's proceedings was approved.

The House took up the unfinished business of yesterday, viz :

S. B. 248. An act to amend an act, entitled "An act to divide the State into one hundred Representative Districts."

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That an act to divide the State into one hundred representative districts be amended as follows: Strike out of section 1 of said act the following words, to wit: "Ninety-first district of the counties of Morgan and Wolfe," and insert in lieu thereof these words: "Ninety-first district of the counties of Morgan and Magoffin." Also strike out the words in the first section, "Ninety second district of the counties of Breathitt, Lee and Magoffin," and insert in lieu thereof the following language: "Ninety-second district of the counties of Breathitt, Lee and Wolfe." Strike out the following words: "Thirty-fifth district of the counties of Wayne and Clinton," and strike out the words "Thirty-sixth district of the counties of Adair and Cumberland," and strike out the words "Forty-second district of the counties of Casey and Russell," and insert in lieu thereof the following: "The thirty-fifth district of the counties of Wayne and Russell, and thirty-sixth district of the counties of Adair and Casey, and forty-second district of the counties of Clinton and Cumberland."

The question was taken on the passage of said bill.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore), J. P. Gay,	Thos. S. Pettit,
Lewis Alexander, Sr., Geo. T. Halbert,	A. T. Pullen,

W. S. Bailey,	Thos. H. Hanks,	D. H. Severs,
John Bartman,	H. K. Hay,	W. W. Stephenson,
John T. Bashaw,	Daniel James,	D. W. Tribble,
John Botts,	W. W. Johnson,	J. H. Welch,
A. J. Carroll,	Lewis Y. Leavell,	B. F. Willett,
L. J. Cox,	C. W. Mathers,	Geo. E. Willett,
James R. Dean,	M. D. McInerney,	John D. Woods—29.
John Finn,	J. P. O'Meara,	

Those who voted in the negative, were—

W. W. Ayres,	R. K. Hart,	J. F. Porter,
Posey D. Ball,	P. R. Hays,	S. H. Shouse,
W. P. Beard,	B. B. Hensley,	Fenton Sims,
B. T. Birkhead,	F. W. Hutcheson,	C. C. Spalding,
P. S. Bruner,	J. S. Joplin,	W. R. Stewart,
Polk Cansler,	T. S. Kirk,	J. R. Thomas,
B. E. Caudill,	Eli Nicholls,	N. S. Walton—23.
R. F. Comer,	W. F. Peak,	

And so said bill was disagreed to.

Mr. Hart entered a motion to reconsider the vote by which the House failed to pass said bill.

A message was received from the Senate, announcing that they had passed H. B. 562, entitled

An act to provide for the levy and collection of a tax in certain common school districts to pay off indebtedness incurred by the trustees of such school districts in erecting and furnishing school-houses,

With an amendment thereto as follows:

Amend section 1 by adding after the word "borrowed," in line 4, the words "or furnished."

Said bill was immediately taken up, and said amendment was agreed to.

[See Bill in House Journal June 13, 1893.]

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	M. D. McInerney,
Lewis Alexander, Sr.,	J. P. Gay,	J. P. O'Meara,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,

W. S. Bailey,	Geo. T. Halbert,	Thos. S. Pettit,
Posey D. Ball,	Thos. H. Hanks,	J. F. Porter,
John Bartman,	U. G. Harlow,	A. T. Pullen,
John T. Bashaw,	R. K. Hart,	I. M. Quigley,
W. P. Beard,	H. K. Hay,	C. D. Reed,
B. T. Birkhead,	P. R. Hays,	D. H. Severs,
John Botts,	B. B. Hensley,	S. H. Shouse,
P. S. Bruner,	W. J. Hissem,	Fenton Sims,
Polk Cansler,	F. W. Hutcheson,	C. C. Spalding,
A. J. Carroll,	Daniel James,	W. W. Stephenson,
B. E. Caudill,	W. W. Johnson,	W. R. Stewart,
R. F. Comer,	J. S. Joplin,	Lewis E. Thomas,
L. J. Cox,	R. M. Kincheloe,	B. F. Willett,
J. M. Dawson, Jr.,	T. S. Kirk,	Geo. E. Willett,
James R. Dean,	Lewis Y. Leavell,	John D. Woods—54

In the negative—none.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed an enrolled resolution, which originated in the Senate, entitled

S. Resolution 59. Resolution providing for a curator for the cabinet and other property of the Geological Survey.

That they had adopted a resolution, entitled

S. Resolution 69. Resolution expressive of the sense of the General Assembly relative to the expenditures for the World's Fair.

Said resolution reads as follows :

In view of the general dissatisfaction expressed through the press of the State, and by visitors who have returned from the Fair, with the Kentucky exhibit and its management, and in view of the further fact that the total amount of said appropriation has been unnecessarily drawn, a considerable part of it remaining unexpended, and inasmuch as it is desirable that no indebtedness on account of said exhibit, whether legally enforceable or merely obligatory in good morals and on the public faith should be contracted or suffered to accumulate by the commissioners in charge of said exhibit, or by others in any way connected with it ; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky : 1. That in view of the premises, and the further fact that it is expressly set forth in the act making the appropriation that no indebtedness on account of said exhibit shall be incurred, it is hereby declared, that the public and all persons interested may have full knowledge in the premises, that

the State will not assume the payment or pay any expenses, charges, arrears or indebtedness, if any, whatsoever, that may remain unpaid after the expenditure of the appropriation heretofore made.

Said resolution was read and concurred in.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	John Finn,	Eli Nicholls,
Lewis Alexander, Sr.,	George Will. Follis,	J. P. O'Meara,
W. W. Ayres,	J. P. Gay,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,
John Bartman,	Geo. T. Halbert,	J. F. Porter,
John T. Bashaw,	R. K. Hart,	A. T. Pullen,
B. T. Birkhead,	P. R. Hays,	C. D. Reed,
John Botts,	W. J. Hissem,	S. H. Shouse,
P. S. Bruner,	F. W. Hutcheson,	Fenton Sims,
Polk Cansler,	Daniel James,	W. W. Stephenson,
B. E. Caudill,	W. W. Johnson,	W. R. Stewart,
R. F. Comer,	J. S. Joplin,	J. R. Thomas,
L. J. Cox,	R. M. Kincheloe,	B. F. Willett,
W. J. Cox,	Lewis Y. Leavell,	Geo. E. Willett,
J. M. Dawson, Jr.,	C. W. Mathers,	John D. Woods—47.
James R. Dean,	M. D. McInerney	

Those who voted in the negative, were—

A. J. Carroll,	H. K. Hay,	D. W. Tribble—5.
Thos. H. Hanks,	S. Kirk,	

The House took up the first special order, to wit :

H. B. 67. A bill to appropriate money to pay for completing the buildings of the Kentucky Institution for the Education and Training of Feeble-minded Children,

And the substitute proposed therefor by the Committee on Judiciary.

Said bill reads as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the sum of eight thousand one hundred and sixty-six and $\frac{46}{100}$ dollars be, and the same is hereby, appropriated to meet the deficit in the amount heretofore appropriated to complete the buildings at the Kentucky Institution for the Education and Training of Feeble-minded Children.

§ 2. That the Auditor be and he is hereby, directed to draw his warrant on the Treasurer for said amount, payable to Grant Green, President of the Board of Commissioners of said Institution.

§ 3. This act shall take effect from its passage, and for this purpose an emergency is declared to exist.

Said substitute is as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the sum of five thousand nine hundred and seventy-seven dollars and forty-six cents be, and the same is hereby, appropriated to pay the deficit in the amount necessary to rebuild and complete the buildings at the Kentucky Institution for the Education and Training of Feeble-minded Children.

§ 2. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasurer for said amount, payable to Grant Green, President of the Board of Commissioners of said Institution.

§ 3. That the relief asked for in this act has not been, nor can it be, secured by a general law, nor have the courts in this Commonwealth jurisdiction to grant same.

§ 4. That judgment having been rendered against the commissioners of said Institution for the amount appropriated by this act, and execution awarded thereon, and interest is accumulating on said judgment, an emergency is declared to exist, and does exist; therefore, this act shall take effect from its approval by the Governor.

Said substitute was adopted.

Ordered, That said bill, as amended by the substitute, be read the third time.

Said bill was read the third time.

The question was then taken on the passage of said bill.

The yeas and nays being required thereon, were as follows.
viz :

Those who voted in the affirmative, were—

John Botts,
L. J. Cox,
J. P. Gay,

Geo. T. Halbert,
J. P. O'Meara,

W. W. Stephenson,
John D. Woods—7.

Those who voted in the negative, were—

Mr. Speaker (Moore), George Will. Follis, Eli Nicholls,
Lewis Alexander, Sr., J. C. Glenn, W. F. Peak,
W. W. Ayres, Thos. H. Hanks, Thos. S. Pettit,

W. S. Bailey,	U. G. Harlow,	J. F. Porter,
John T. Bashaw,	H. K. Hay,	A. T. Pullen,
W. P. Beard,	P. R. Hays,	C. D. Reed,
B. T. Birkhead,	B. B. Hensley,	D. H. Severs,
P. S. Bruner,	F. W. Hutcheson,	S. H. Shouse,
Polk Cansler,	Daniel James,	Fenton Sims,
B. E. Caudill,	W. W. Johnson,	C. C. Spalding,
R. F. Comer,	J. S. Joplin,	W. R. Stewart,
W. J. Cox,	R. M. Kincheloe,	J. R. Thomas,
J. M. Dawson, Jr.,	T. S. Kirk,	B. F. Willett,
James R. Dean,	Lewis Y. Leavell,	Geo. E. Willett—44.
John Finn,	C. W. Mathers,	

And so said bill was rejected.

The House took up the next special order, viz :

H. B. 563. A bill prescribing penalties against railroads, steam-boats and other common carriers for giving free passes and selling at reduced rates, not common to the public, tickets for transportation to State, district, city, town and county officers, members of the General Assembly and judges, and to prohibit such persons and officers from accepting and using such tickets or transportation.

Said bill reads as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That no railroad company, steam-boat company, or other common carrier, shall hereafter give a free pass or passes, nor shall sell at reduced rates, not common to the public, tickets for transportation to any State, district, city, town or county officer, or member of the General Assembly, or judge ; and in case such railroad company, steam-boat company, or other common carrier, shall do so, and be convicted thereof, said company or party shall be guilty of a misdemeanor, and fined by a court of competent jurisdiction in a sum not less than one hundred dollars nor more than one thousand dollars for each offense, to be fixed by the jury or court trying the case.

§ 2. That no State, district, city, town or county officer, member of the General Assembly, nor judge, shall accept or use a free pass or passes, nor receive or use a ticket or tickets for transportation at reduced rates, not common to the public ; and in case such person or officer shall do so, he shall forfeit his said office ; and it shall be the duty of the courts and other tribunals having jurisdiction thereof to enforce this act, and the provision of the Constitution relating thereto, upon information of its violation.

Mr. Woods moved the following amendments, viz :

Amend by adding after the word "any," in line 5, of section

1, the words "person holding any;" and by striking out the word "officer" in line 6, and inserting in lieu thereof "office."

Amend by adding after the word "no," in line 1 of section 2, the words "person holding any;" and by striking out the word "officer" in line 1, and by inserting in lieu thereof "office."

Said amendments were agreed to.

Ordered, That said bill be read the third time.

Said bill being engrossed, was read the third time and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. C. Glenn,	Eli Nicholls,
Lewis Alexander, Sr.,	Geo. T. Halbert,	J. P. O'Meara,
W. W. Ayres,	Thos. H. Hanks,	W. F. Peak,
W. S. Bailey,	U. G. Harlow,	Thos. S. Pettit,
John T. Bashaw,	H. K. Hay,	J. F. Porter,
B. T. Birkhead,	P. R. Hays,	C. D. Reed,
John Botts,	W. J. Hissem,	S. H. Shouse,
P. S. Bruner,	F. W. Hutcheson,	Fenton Sims,
Polk Cansler,	Daniel James,	C. C. Spalding,
R. F. Comer,	W. W. Johnson,	W. W. Stephenson,
W. J. Cox,	J. S. Joplin,	W. R. Stewart,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Thomas,
James R. Dean,	T. S. Kirk,	Geo. E. Willett,
John Finn,	Lewis Y. Leavell,	John D. Woods—44.
Geo. Will. Follis,	C. W. Mathers,	

Those who voted in the negative, were—

Posey D. Ball,	B. B. Hensley,	D. H. Severs,
John Bartman,	M. D. McInerney,	B. F. Willett—7.
B. E. Caudill,		

Resolved, That the title thereof be as aforesaid.

Mr. Bashaw introduced the following joint resolution as H. Resolution 116:

WHEREAS, This General Assembly has learned that the Superior Board of Managers of the World's Columbian Fair at Chicago have determined to disregard Sunday (our Christian Sabbath) in the conduct of said fair; be it therefore

Resolved by the General Assembly of the Commonwealth of Kentucky: 1. That the Board of Managers upon the part of this State at said fair are hereby instructed to close and keep

closed on Sundays the State's buildings at said fair, and discourage by all fair means the wanton disregard of the Christian Sabbath inaugurated by aforesaid board in the management of said fair.

2. This resolution shall take effect upon its passage, for the reason that the State's appropriation to said fair was made upon the idea that said fair in all its parts would be kept closed on Sundays, and said implied contract is now being broken, and for this reason an emergency is hereby declared for the immediate taking effect hereof.

Which was referred to the Committee on Federal Relations.

Mr. Woods offered the following resolution, viz :

Resolved by the House, That the General Assembly having adopted a resolution for *sine die* adjournment on the 3d day of July, 1893, all leaves of absence granted for any purpose except for sickness of members or their families, are hereby revoked, and all members now absent are urgently requested to return, that the House may suffer no inconvenience for want of quorums to transact business.

Which was read, and lies over one day.

Mr. Hanks, from the Committee on Judiciary, which originated same, reported

H. B. 576. A bill authorizing cities of the second class to issue funding and refunding bonds.

Which was read the first time, ordered to be printed, and read the second time on another day.

The House took from the orders of the day

S. B. 241. An act to amend an act, entitled "An act providing for the creation and regulation of private corporations."

S. B. 98. An act repealing all laws and parts of laws which authorize any municipality to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation or individual, and declaring an emergency.

Said bills were severally read the second time.

S. B. 249. An act prohibiting companies, associations and corporations of other States or countries from possessing, controlling, maintaining or operating any railway, or part thereof, in this State, until they have become corporations, citizens and residents of this State.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. No company, association or corporation created by or organized under the laws or authority of any State or country other than this State, shall possess, control, maintain or operate any railway, or part thereof, in this State until by incorporation under the laws of this State the same shall have become a corporation, citizen and resident of this State. Any such company, association or corporation may, for the purpose of possessing, controlling, maintaining or operating a railway, or part thereof, in this State, become a corporation, citizen and resident of this State by being incorporated in the manner following, namely, viz: By filing in the office of the Secretary of State and in the office of the Railroad Commission a copy of the charter or articles of incorporation of such company, association or corporation, authenticated by its seal, and by the attestation of its president and secretary ; and thereupon, and by virtue thereof, such company, association or corporation shall at once become and be a corporation, citizen and resident of this State. The Secretary of State shall issue to such corporation a certificate of such incorporation.

§ 2. Any company, association or corporation that, after the first day of August, 1893, possesses, controls, maintains or operates any railway or part thereof in this State, without becoming incorporated as a corporation, citizen and resident of this State, as permitted by the first section of this act, shall be guilty of a misdemeanor, punishable by a fine of not less than one thousand dollars for each day or part thereof that any railway, or part thereof, in this State is possessed, controlled, maintained or operated by it ; any persons that in anywise aids or assists, either as officer, agent, servant or employe, in so possessing, controlling, maintaining or operating any railway or part thereof, in this State, shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars for each day or part thereof he so assists or aids.

§ 3. Because of the injurious results to this Commonwealth and the people thereof from the possessing, controlling, maintaining and operating of railways in this State by companies, associations and corporations of other States and countries, there is an emergency that this act shall go into effect as soon as may be, and this act shall go into effect when approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Geo. T. Halbert,	W. F. Peak,
Lewis Alexander, Sr.,	Thos. H. Hanks,	Thos. S. Pettit,

W. W. Ayres,	U. G. Harlow,	J. F. Porter,
W. S. Bailey,	R. K. Hart,	A. T. Pullen,
John Bartman.	P. R. Hays,	C. D. Reed,
John T. Bashaw,	B. B. Hensley,	D. H. Severs,
W. P. Beard,	W. J. Hissem,	S. H. Shouse,
B. T. Birkhead,	F. W. Hutcheson,	Fenton Sims,
John Botts,	Daniel James,	W. W. Stephenson,
P. S. Bruner,	W. W. Johnson,	W. R. Stewart,
Polk Cansler,	J. S. Joplin,	Lewis E. Thomas,
A. J. Carroll,	R. M. Kincheloe,	J. R. Thomas,
R. F. Comer,	T. S. Kirk,	D. W. Tribble,
W. J. Cox,	Lewis Y. Leavell,	N. S. Walton,
J. M. Dawson, Jr.,	C. W. Mathers,	J. H. Welch,
James R. Dean,	M. D. McInerney,	B. F. Willett,
John Finn,	Eli Nicholls,	Geo. E. Willett,
George Will Follis.	J. P. O'Meara,	John D. Woods—55.
J. P. Gay,		

In the negative—none.

Resolved, That the title thereof be as aforesaid.

The House took up for consideration a bill, entitled
H. B. 574. A bill to continue the page in the Governor's office.

Ordered, That said bill be read the third time.

Said bill was read the third time as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the Governor be, and he is hereby, authorized to employ until the 31st of December, 1893, a page, who shall be an expert type-writer, whose compensation shall not exceed two dollars per day, and there is hereby appropriated the money to pay said amount out of any money in the Treasury not otherwise appropriated. The Auditor shall draw his warrant monthly on the Treasury for the amount certified by the Governor to be due said page for services rendered.

§ 2. In view of the necessity for the immediate employment of such page, an emergency exists and is hereby declared, and this act shall take effect from and after its passage and approval by the Governor.

The question was taken upon the passage of said bill.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will. Follis,	J. P. O'Meara,
Lewis Alexander, Sr.,	J. P. Gay,	Thos. S. Pettit,
W. S. Bailey,	Geo. T. Halbert,	I. M. Quigley,

Posey D. Ball,	U. G. Harlow,	C. D. Reed,
W. P. Beard,	R. K. Hart,	S. H. Shouse,
B. T. Birkhead,	H. K. Hay,	W. W. Stephenson,
John Botts,	W. J. Hissem,	J. R. Thomas,
A. J. Carroll,	Daniel James,	D. W. Tribble,
L. J. Cox,	W. W. Johnson,	N. S. Walton,
W. J. Cox,	R. M. Kincheloe,	J. H. Welch,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	B. F. Willett,
James R. Dean,	M. D. McInerney,	John D. Woods—37.
John Finn,		

Those who voted in the negative, were—

W. W. Ayres,	B. B. Hensley,	A. T. Pullen,
John T. Bashaw,	F. W. Hutcheson,	Fenton Sims,
P. S. Bruner,	J. S. Joplin,	W. R. Stewart,
Polk Cansler,	C. W. Mathers,	Lewis E. Thomas,
B. E. Caudill,	W. F. Peak,	Geo. E. Willett—17.
P. R. Hays,	J. F. Porter,	

And so said bill was rejected.

Mr. Sims entered a motion to reconsider the vote by which the House refused to pass said bill.

And then the House adjourned.

FRIDAY, JUNE 23, 1893.

The House was opened with prayer by Rev. J. McCluskey Blaney, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	John Finn,	M. D. McInerney,
Lewis Alexander, Sr.,	George Will. Follis,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	Geo. T. Halbert,	Thos. S. Pettit,
Posey D. Ball,	Thos. H. Hanks,	A. T. Pullen,
B. T. Birkhead,	U. G. Harlow,	C. D. Reed,
John Botts,	R. K. Hart,	D. H. Severs,

P. S. Bruner,	H. K. Hay,	Fenton Sims,
Polk Cansler,	P. R. Hays,	W. W. Stephenson,
A. J. Carroll,	B. B. Hensley,	W. R. Stewart,
B. E. Caudill,	F. W. Hutcheson,	Lewis E. Thomas,
R. F. Comer,	Daniel James,	J. R. Thomas,
L. J. Cox,	J. S. Joplin,	D. W. Tribble,
W. J. Cox,	R. M. Kincheloe,	N. S. Walton,
J. S. Cullen,	T. S. Kirk,	B. F. Willett,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	Geo. E. Willett,
James R. Dean,	C. W. Mathers,	John D. Woods—51.

The following members were absent, viz :

T. J. Arnett,	S. M. Gough,	J. A. Perkins,
John Bartman,	A. L. Harned,	Granville Philpot,
John T. Bashaw,	W. J. Hissem,	J. F. Porter,
R. F. Bass,	Berry Howard,	E. M. Pryse,
W. P. Beard,	W. W. Johnson,	I. M. Quigley,
B. F. Bennett,	Henry Kremer,	R. E. Roberts,
A. H. Charlton,	William Krieger,	John Ryan,
F. P. Combest,	John M. Letterle,	Waller Sharp,
Wesley Crow,	H. P. Lively,	S. H. Shouse,
E. M. Dickson,	W. H. May,	C. C. Spalding,
J. E. Durham,	John S. May,	J. R. Summers,
D. B. Edmiston,	Hiram McElroy,	Samuel O. Tate,
McD. Ferguson,	Harvey Myers,	John M. Tinsley,
J. M. Frazee,	W. F. Neat,	J. H. Welch,
Wm. Garrison,	J. P. O'Meara,	H. P. Whitaker,
Ben F. Gardner,	John Lee Payne,	R. B. Wilson—49.
J. P. Gay,		

The Journal of yesterday's proceedings was approved.

A bill and resolutions were reported by committees as follows :

By Mr. Pettit, from the Committee on Corporate Institutions—

H. B. 573. A bill to prohibit the issuing of certain obligations to be redeemed in numerical order or in any arbitrary order of precedence.

By Mr. Caudill, from the Committee on Geological Survey—

H. Resolution 113. Resolution in relation to the printing of reports of the Geological Survey.

By Mr. Hart, from the Committee on Public Offices and Library—

H. Resolution 114. Resolution appropriating money to re-touch and regild portraits belonging to the State.

Said bill and joint resolutions were severally read 'the first

time at length, ordered to be printed, and read the second time on some other day.

The House took from the Clerk's desk the resolution offered on yesterday by Mr. Woods.

Said resolution was agreed to.

Mr. Woods moved that when the House adjourn at 1 o'clock, P. M., it be to take a recess until 2:30 o'clock, P. M., for the purpose of receiving report from the Committee on Enrollments.

Said motion was agreed to.

The House took from the orders of the day the following bills, viz:

H. B. 542. A bill to authorize the appropriation of money to defray the expenses of commissioners to the battle-fields of Chickamauga and Missionary Ridge.

H. B. 576. A bill authorizing cities of the second class to issue funding and refunding bonds.

Said bills were severally read the second time.

S. B. 241. An act to amend an act, entitled "An act providing for the creation and regulation of private corporations."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, the Governor not having signed or returned the same to the House in which it originated within the time prescribed by the Constitution, be, and the same is hereby, amended as follows, to wit:

Amend section 14 so as to read as follows: "The affairs of each corporation shall be managed by a board of not less than three directors, each of whom shall own, in his own right, not less than three shares of capital stock. They shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business. All elections for directors shall be by ballot, and shall be held in this State; and, in the first instance, the directors shall be elected at a meeting held before the corporation is authorized to commence business, and thereafter at an annual meeting of the stockholders to be held on the day named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held; and notice of any change shall be given to each stockholder twenty days before the election is held; and if, for any cause, an election is not held on the day named in the by-laws, a special meeting for that

purpose shall be called within thirty days thereafter, of which due notice shall be given to each stockholder, in person or by letter mailed to his last known address. A stockholder may vote at any meeting by proxy, in writing, signed by him, and attested in such manner as the by-laws may prescribe; and a vacancy in the board of directors shall be filled by the board, and the directors so appointed shall hold office until the next annual election. The directors of any corporation may, by a vote of the stockholders, be divided into one, two or three classes, the term of office of those of the first class to expire at the annual election next ensuing, of the second class one year thereafter, and of the third class two years thereafter; and at each annual election held after such classification directors shall be chosen for two or three years, as the case may be, to succeed those whose terms expire. But each director of a banking, trust or insurance company, or building and loan association, must own in its own right five shares of capital stock, and a majority of them must be residents of Kentucky during their terms of office: *Provided, however,* That the above-mentioned clause, declaring that all elections for directors shall be by ballot, and shall be held in this State, shall not apply to corporations created and organized for educational purposes only, and having no capital stock, and in which tuition to students is free."

Amend section 34, article 1, so as to read as follows, to wit: § 34. All corporations, except foreign insurance companies, formed under the laws of this or any other State, and carrying on any business in this State, shall at all times have one or more known places of business in this State, and an authorized agent or agents thereat, upon whom process can be served; and it shall not be lawful for any corporation to carry on any business in this State until it shall have filed in the office of the Secretary of State a statement, signed by its president or secretary, giving the location of its office or offices in this State, and the name or names of its agent or agents thereat upon whom process can be served; and when any change is made in the location of its office or officers, or in its agent or agents, it shall at once file with the Secretary of State a statement of such change; and the former agent shall remain agent for the purpose of service until statement of appointment of the new agent is filed. And if any corporation fails to comply with the requirements of this section, such corporation, and any agent or employe of such corporation, who shall transact, carry on or conduct any business in this State for it, shall be severally guilty of a misdemeanor, and fined not less than one hundred nor more than one thousand dollars for each offense.

Strike out section 39, and insert the following as section 39: § 39. Every corporation organized under the laws of this State, and every corporation doing business in this State, shall, in a conspicuous place, on its principal place or places of business, in letters sufficiently large to be easily read, have painted or print-

ed the corporate name of such corporation, and immediately under the same, in like manner, shall be printed or painted the word "Incorporated." And immediately under the name of such corporation, upon all printed or advertising matter used by such corporation (except railroad companies, banks, trust companies, insurance companies, and building and loan associations), shall appear, in letters sufficiently large to be easily read, the word "Incorporated." Any corporation which shall fail or refuse to comply with the provisions of this section shall be subject to a fine of not less than one hundred dollars and not more than five hundred dollars.

Amend section 115, article 4, so as to read as follows, viz: § 115. Domestic life insurance companies which do business upon the principle of mutual insurance, or the members of which are entitled to share in the surplus fund thereof, may make distribution of so much thereof, after retaining the reserve required by law, as the company may determine annually, or once in two or more years.

Amend section 117, article 4, so as to read as follows: § 117. A policy of insurance on the life of any person expressed to be for the benefit of, or duly assigned, transferred, or made payable to, any married woman, or to any person in trust for her or for her benefit, by whomsoever such transfer may be made, shall inure to her separate use and benefit, and that of her children, independently of her husband or his creditors, or any other person effecting or transferring the same or his creditors. And a married woman may, without the consent of her husband, contract, pay for, take out and hold a policy of insurance upon the life or health of her husband or children, or against loss by his or their disablement by accident, and the premiums paid on any such policy shall be held to have been her separate estate, and such policy shall likewise inure to her separate use and benefit and that of her children, free from any claim of her husband or others. But if the premium on any policy in this section mentioned is paid by any person with intent to defraud his creditors, an amount equal to the premium so paid, with interest thereon, shall inure to the benefit of said creditors, subject, however, to the statute of limitations.

Amend section 122, article 4, so as to read as follows, viz: § 122. All policies heretofore issued by any domestic life insurance company shall be subject to the provisions of law applicable and in force at the date of such issue. No policy of life or endowment assurance hereafter issued by any such company shall become forfeit or void for non-payment of premium after, in ordinary insurance two, and industrial insurance five, full annual premiums in cash have been paid thereon; but in case of default in payment of any subsequent premium, then, without any further stipulation or act, except as herein provided, such policy shall be binding upon the company for the amount of paid-up insurance which the then net value of the policy,

and all dividend additions thereon, computed by the rule of section 116, less any indebtedness to the company on account of said policy, and less the surrender charge provided herein, will purchase as a net single premium for life or endowment insurance maturing or terminating at the time and in the manner provided in the original policy contract; and such default shall not change or affect the conditions or terms of the policy, except as regards the payment of premiums and the amount payable thereon: *Provided*, That policies of industrial life companies shall be surrendered to the company, and application for said paid-up policy be made in writing within eight weeks after said default on blanks obtainable from the company for that purpose. Said surrender charge shall be eight per cent. of the insurance value of the policy at the date of default, which insurance value is the present value of all the normal future yearly costs of insurance which, by its terms, said policy is exposed to pay in case of its continuance, computed upon the rate of mortality and interest assumed in section 116. Every such policy, subject to the conditions as to policies of industrial life companies as hereinbefore prescribed, after the payment of, in ordinary insurance two, and industrial insurance five, full annual premiums thereon in cash, shall have a surrender value, which shall be not less than two-thirds of its net value, computed by the rule of section 116, less any indebtedness to the company on account of the said policy; and its holder may, upon any subsequent anniversary of its issue, surrender the same, and claim and recover from the company such surrender value in cash. Upon the surrender, on any anniversary of its issue, of a policy which has become paid up by force of the statute upon default in payment of premiums, after two full annual premiums have been paid, the holder shall be entitled to not less than two-thirds of its then net value, computed by the rule of section 116. On policies of industrial insurance on which the weekly premiums are not more than fifty cents each, the surrender value, in all cases, shall be payable in cash. Upon the surrender, on any anniversary of its issue, of a policy which has become paid-up after the payment of five full annual premiums by force of the statute upon default in payment of premium, the holder shall be entitled to not less than two thirds of its net value, payable in cash. Any condition or stipulation in the policy, or elsewhere, contrary to the provisions of this section, and any waiver of such provisions by the assured, shall be void.

Amend section 191, subdivision 2, General Provisions, so as to read as follows: § 191. If any station used by any railroad company is burned, or otherwise destroyed, or becomes unfit for the accommodation of the public, the Railroad Commission shall notify, in writing, the manager or chief officer in this State of the company owning or using such station to rebuild or repair the same, as the case may be, and such company shall, within

ninety days after such notice, comply with the requirements thereof; and every company operating a railroad in this State shall provide convenient and suitable waiting-rooms and water-closets or privies at all stations on its lines at which, in the judgment of the Railroad Commission, the same shall be established and maintained, and shall keep and maintain the same in decent order and repair.

Amend section 193, subdivision 2, General Provisions, so as to read as follows: § 193. Whenever, in the opinion of the Railroad Commission, the public interests require that a gate be erected or maintained, or a flagman stationed, at any highway crossing within one mile of the corporate limits of any incorporated city or town of this Commonwealth, they shall give the superintendent or manager of the railroad written notice that the same is required, and the company shall, within the time prescribed by the Commission, erect and maintain at such crossing the character of gate directed by the Commission, and keep a man in charge of the same during such hours as they may designate, or keep a flagman at such crossing during such hours as they may require; and the Railroad Commission may authorize the discontinuance of such gate or flagman whenever, in their judgment, the public interest no longer requires the same.

Amend section 271, so that said section, as amended, will read as follows: § 271. For each license issued to an agent, and for each certificate to do business in this State, there shall be paid to the Secretary of State twenty-five (\$25) dollars. For each annual report there shall be paid to the Secretary of State, by the corporation or association making the same, ten (\$10) dollars. For each report required to be made to the Secretary of State by banks, bankers and trust companies under this chapter, not exceeding one in every three months, there shall be paid to the Secretary of State by the banks, bankers and trust companies making the same, two dollars and fifty cents (\$2.50). All reports and statements required by any section or article of this law to be made to the Secretary of State shall be filed in his office as other public documents, but shall not be recorded: *Provided*, That the statements required by section 34 shall be recorded.

That section 272, article 6, of the said act be amended by striking out of said section the word "article," and inserting in lieu thereof the word "chapter," so that section 272 of article 6, when amended, will read as follows: § 272. All fees collected by the Secretary of State under this chapter shall be covered by him as soon as collected into the State Treasury; and so much thereof as may be necessary to defray the expenses incurred in the discharge of the duties imposed upon the Secretary of State by virtue of any of the provisions of this act, shall be paid upon the warrant of the Auditor to the Secretary of State. The Secretary of State shall report to each session of the General Assembly a statement of the amount received from licenses, fees or

penalties under this act, and the amount expended by him, and he shall be allowed for his services under this act the sum of one thousand dollars, to be paid to him in monthly installments upon the warrant of the Auditor.

§ 2. Whereas, the act providing for the creation and regulation of private corporations does not provide sufficient revenue for its proper enforcement; and whereas, if this law does not at once take effect, many of its most important provisions will become a dead letter, therefore an emergency is declared, and this act shall take effect and be in force from and after its approval by the Governor.

The amendment heretofore offered to said bill by the Committee on Corporate Institutions is as follows:

Strike out that portion of section 1 which proposes to amend section 191 of the act to which this bill is an amendment, and insert in lieu thereof the following, viz:

§ 191. Any company that has established and maintained throughout the year, for five consecutive years, a passenger station at a point on its road shall not abandon such station without the written consent of the Railroad Commission; and, if any station used by a company is burned or otherwise destroyed, or becomes unfit for the accommodation of the public, the Railroad Commission shall notify, in writing, the manager or chief officer in this State of the company owning or using such station to rebuild or repair the same, as the case may be; and such company shall, within ninety days after such notice, comply with the requirements thereof, and that every company operating a railroad in this State shall provide a convenient and suitable waiting-room and water-closet or privies at all depots in cities and towns, and at such other stations as the Railroad Commission may require one its lines, and keep and maintain the same in decent order and repair.

Said amendment was agreed to.

Ordered, That said bill, as amended, be read the third time.

Said bill, as amended, was read the third time by its title,

The constitutional provision as to the reading of said bill the third time at length being dispensed with.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will. Follis,	Eli Nicholls,
Lewis Alexander, Sr.,	J. P. Gay,	W. F. Peak,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,

W. S. Bailey,
 Posey D. Ball,
 John Bartman,
 B. T. Birkhead,
 John Botts,
 P. S. Bruner,
 A. J. Carroll,
 B. E. Caudill,
 R. F. Comer,
 L. J. Cox,
 W. J. Cox,
 J. S. Cullen,
 J. M. Dawson, Jr.,
 James R. Dean,
 John Finn,

Geo. T. Halbert,
 Thos. H. Hanks,
 U. G. Harlow,
 R. K. Hart,
 H. K. Hay,
 P. R. Hays,
 B. B. Hensley,
 F. W. Hutcheson,
 Daniel James,
 J. S. Joplin,
 R. M. Kincheloe,
 T. S. Kirk,
 Lewis Y. Leavell,
 C. W. Mathers,
 M. D. McInerney,

J. F. Porter,
 A. T. Pullen,
 C. D. Reed,
 R. E. Roberts,
 Fenton Sims,
 W. W. Stephenson,
 W. R. Stewart,
 Lewis E. Thomas,
 J. R. Thomas,
 D. W. Tribble,
 N. S. Walton,
 Geo. E. Willett,
 R. B. Wilson,
 John D. Woods—53.

In the negative—none.

Resolved, That the title thereof be as aforesaid.

The House took from the orders of the day S. B. 98, entitled
 An act repealing all laws and parts of laws which authorize
 any municipality to become a stockholder in any company, as-
 sociation or corporation, or to obtain or appropriate money
 for, or to loan its credit to, any corporation, association or in-
 dividual, and declaring an emergency.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. All laws and parts of laws which authorize any county or subdivision thereof, or any city, town or incorporated district, to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association or individual, except for the purpose of constructing or maintaining bridges, turnpike roads or gravel roads, are hereby repealed. But nothing in this act contained shall in anywise affect subscriptions to stock, the obtaining or appropriating of money, or loaning of credit that may have been made or done before the passage of this act.

§ 2. Because the Constitution prohibits the General Assembly from granting hereafter any such authority as is mentioned in the first section of this act, and because the law upon said subject ought to be uniform, an emergency exists that this act shall take immediate effect, which emergency is hereby declared ; therefore this act shall be in force and become a law as soon as approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	M. D. McInerney,
W. W. Ayres,	George Will. Follis,	Eli Nicholls,
W. S. Bailey,	J. P. Gay,	W. F. Peak,
Posey D. Ball,	J. C. Glenn,	Thos. S. Pettit,
John Bartman,	Geo. T. Halbert,	J. F. Porter,
John T. Bashaw,	Thos. H. Hanks,	A. T. Pullen,
B. T. Birkhead,	U. G. Harlow,	C. D. Reed,
John Botts,	R. K. Hart,	R. E. Roberts,
P. S. Bruner,	H. K. Hay,	Fenton Sims,
Polk Cansler,	B. B. Hensley,	W. W. Stephenson,
A. J. Carroll,	F. W. Hutcheson,	W. R. Stewart,
B. E. Caudill,	Daniel James,	J. R. Thomas,
R. F. Comer,	J. S. Joplin,	D. W. Tribble,
L. J. Cox,	R. M. Kincheloe,	N. S. Walton,
J. S. Cullen,	T. S. Kirk,	Geo. E. Willett,
J. M. Dawson, Jr.,	Lewis Y. Leavell,	R. B. Wilson,
James R. Dean,	C. W. Mathers,	John D. Woods—51.

In the negative—none.

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had adopted the report of the Committee of Conference relative to

S. B. 71. An act providing for actions in certain cases,
And had passed said bill as amended thereby.

Ordered, That said bill and report be placed in the orders of the day.

That they had passed bills of the following titles, viz :

S. B. 240. An act to regulate the charitable institutions supported by the State.

S. B. 256. An act empowering cities of the second class to issue bonds for the construction of sewers, which by laws heretofore enacted they are authorized to construct at the general expense of, and pay for out of, taxes levied on all of said taxable property of such cities.

Ordered, That said bills be referred—the first-named to the Committee on Charitable Institutions ; the last to the Committee on Judiciary—

That they had passed a bill, which originated in the House, entitled:

H. B. 539. An act for the government of cities of the second class,

With an amendment thereto by way of substitute therefor.

The House immediately took up for consideration said last-named bill and substitute.

Pending the consideration thereof, the hour of 1 o'clock arrived, and the House took a recess until 2:30 o'clock, P. M.

AFTERNOON SESSION.

The House met at 2:30 o'clock, P. M., pursuant to adjournment.

Mr. Speaker Moore in the chair.

Mr. B. F. Willett, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the Senate, of the following titles, viz:

S. B. 225. An act for the government of cities of the fifth class;

S. B. 244. An act to amend subsection 51 of the Civil Code of Practice;

S. B. 252. An act to regulate the sale of dynamite, and providing a penalty for its unlawful use in this Commonwealth;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign the same to the end that they might become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

And then the House adjourned.

SATURDAY, JUNE 24, 1893.

The House was opened with prayer by Rev. J. McCluskey Blayne, of the Presbyterian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	James R. Dean,	C. W. Mathers,
Lewis Alexander, Sr.,	John Finn,	W. H. May,
W. W. Ayres,	George Will. Follis,	M. D. McInerney,
W. S. Bailey,	J. P. Gay,	Eli Nicholls,
Posey D. Ball,	J. C. Glenn,	W. F. Peak,
John T. Bashaw,	Geo. T. Halbert,	Thos. S. Pettit,
B. T. Birkhead,	Thos. H. Hanks,	J. F. Porter,
John Botts,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	R. K. Hart,	I. M. Quigley,
Polk Cansler,	H. K. Hay,	C. D. Reed,
A. J. Carroll,	P. R. Hays,	Fenton Sims,
B. E. Caudill,	B. B. Hensley,	W. R. Stewart,
R. F. Comer,	F. W. Hutcheson,	J. R. Summers,
L. J. Cox,	Daniel James,	D. W. Tribble,
Will J. Cox,	J. S. Joplin,	Geo. E. Willett,
J. S. Cullen,	R. M. Kincheloe,	B. F. Willett,
J. M. Dawson, Jr.,	T. S. Kirk,	John D. Woods—51.

The following members were absent, viz:

T. J. Arnett,	W. J. Hissem,	E. M. Pryse,
John Bartman,	Berry Howard,	R. E. Roberts,
R. F. Bass,	W. W. Johnson,	John Ryan,
W. P. Beard,	Henry Kremer,	D. H. Severs,
B. F. Bennett,	William Krieger,	Waller Sharp,
A. H. Charlton,	Lewis Y. Leavell,	S. H. Shouse,
F. P. Combest,	John M. Letterle,	C. C. Spalding,
Wesley Crow,	H. P. Lively,	W. W. Stephenson,
E. M. Dickson,	John S. May,	Samuel O. Tate,
J. E. Durham,	Hiram McElroy,	Lewis E. Thomas,
D. B. Edmiston,	Harvey Myers,	J. R. Thomas,
McD. Ferguson,	W. F. Neat,	John M. Tinsley,
J. M. Frazee,	J. P. O'Meara,	N. S. Walton,
Wm. Garrison,	John Lee Payne,	J. H. Welch,
Ben. F. Gardner,	J. A. Perkins,	H. P. Whitaker,
S. M. Gough,	Granville Philpot,	R. B. Wilson—49.
A. L. Harned,		

The Journal of yesterday's proceedings was approved.

The House took up the unfinished business of yesterday, viz :
H. B. 539. A bill for the government of cities of the second class,

And the Senate substitute therefor.

Mr. Quigley moved that said bill be made the special order for 11:30 o'clock Monday next.

Said motion was agreed to.

A message was received through Hon. Edward O. Leigh, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the House, entitled

H. B. 388. An act relating to roads and passways.

H. B. 489. An act to appropriate money to reimburse A. L. Harned for money expended in his contest.

A message was received from the Senate, announcing that they had concurred in an amendment, proposed by the House, to a resolution, which originated in the Senate, entitled

S. Resolution 63. Resolution providing for a *sine die* adjournment of the General Assembly,

And had adopted said resolution as amended.

That they had passed bills, which originated in the House, of the following titles, viz :

H. B. 555. An act empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health, convenience or welfare of its inhabitants.

H. B. 552. An act to amend an act, entitled "An act for the government of towns of the sixth class,

With an amendment to the last-named bill by way of substitute therefor.

Said substitute reads as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : That section thirteen of article six be amended by adding after the word "estate," in line 2, the following : "Except such tangible personal property as has an actual and *bona fide* situs without the city," so that said section, when amended, will read as follows :

§ 13. All real and personal estate within the city, and all personal estate, except such tangible personal property as has an

actual and *bona fide* situs without the city of persons domiciled or actually residing in the city on the fifteenth day of September, in the year in which the assessment shall be made, and of all corporations having their chief office or place of business in the town on said date, and the franchises of same, shall be subject to assessment and taxation for all local and municipal purposes, unless exempt from taxation by the Constitution, and the same shall be assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale. Any franchise granted in whole or in part by a town, and exercised within said town, may be taxed by said town, notwithstanding the corporation owning or exercising same may have its chief office or place of business elsewhere. And any corporation or company doing business in a town, whether its franchise was granted by such town or not, may be required to pay a license tax.

§ 3. In towns having a population of less than two hundred and fifty, the police judges thereof shall, at the last term, to be held before January 1, 1894, make an order on their order-books transferring all civil cases in said courts to some convenient court having jurisdiction for trial.

§ 4. Whereas, the bill governing sixth class cities is now in force, an emergency is hereby declared to exist, and this act shall go into effect when approved by the Governor.

Said substitute was agreed to.

Said bill, as amended by the substitute, was passed.

The yeas and nays being required thereon were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will. Follis,	M. D. McInerney,
Lewis Alexander, Sr.,	J. P. Gay,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	Geo. T. Halbert,	Thos. S. Pettit,
Posey D. Ball,	Thos. H. Hanks,	J. F. Porter,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
John Botts,	R. K. Hart,	I. M. Quigley,
P. S. Bruner,	H. K. Hay,	C. D. Reed,
Polk Cansler,	P. R. Hays,	Fenton Sims,
A. J. Carroll,	B. B. Hensley,	W. R. Stewart,
B. E. Caudill,	F. W. Hutcheson,	J. R. Summers,
R. F. Comer,	Daniel James,	D. W. Tribble,
L. J. Cox,	J. S. Joplin,	J. H. Welch,
W. J. Cox,	R. M. Kincheloe,	B. F. Willett,
J. S. Cullen,	T. S. Kirk,	Geo. E. Willett,
J. M. Dawson, Jr.,	Henry Kremer,	R. B. Wilson,
James R. Dean,	W. H. May,	John D. Woods—51.

In the negative—John T. Bashaw—1.

Mr. Hart, from the Committee on Ways and Means, which originated same, reported H. B. 577, entitled

A bill to amend section 19 of an act, entitled "An act fixing the time and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892.

Said bill was read the first time, ordered to be printed, and read the second time on another day.

Mr. Sims, from the Committee on Judiciary, reported S. B. 256, entitled

A bill empowering cities of the second class [to issue bonds for the construction of sewers which, by laws heretofore enacted, they are authorized to construct, at the general expense of, and pay for out of taxes levied on, all the taxable property of such cities.

Said bill was read the first time at length, ordered to be printed, and read the second time on another day.

Mr. Sims, from same committee, reported, with expression of opinion that it should not pass,

H. B. 565. A bill to amend section 1 of an act, entitled "An act creating fiscal courts in the several counties in this Commonwealth."

Said bill was read the first time at length, and the House refused to order said bill to its second reading.

And so said bill was rejected.

Mr. Dawson, from the Committee on Federal Relations, reported H. Resolution 116, entitled

Resolution relating to the State's Commissioners to the World's Fair.

Said resolution was read the first time at length.

Mr. Hart moved that the further consideration of said resolution be postponed, and that same be made the special order for Tuesday, the 27th inst.

Said motion was agreed to.

The House took from the orders of the day bills and resolutions as follows, viz:

H. B. 573. A bill to prohibit the issuing of certain obligations.

to be redeemed in numerical order, or in any arbitrary order of precedence.

H. Resolution 113. Resolution in relation to printing the reports of the Geological Survey.

H. Resolution 114. Resolution appropriating money to retouch and regild portraits belonging to the State.

Said bill and resolutions were severally read the second time.

Also S. B. 71. An act providing for actions in certain cases,

Together with the report of the Conference Committee relative thereto.

Said report reads as follows :

To the Senate and House of Representatives :

Your Committee of Conference, appointed to take into consideration the differences between the two Houses in relation to S. B. No. 71, entitled "An act providing for actions in certain cases," beg leave to submit the following report :

We recommend that the House recede from its amendments Nos. 1 and 5, and that the Senate concur in House amendments Nos. 2, 3 and 4.

Respectfully submitted,

Senate Committee.

House Committee.

J. S. WORTHAM,

FENTON SIMS,

W. H. ANDERSON.

J. M. DAWSON, JR.,

R. E. ROBERTS.

Said report was adopted.

Said bill, as amended thereby, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	John Finn,	M. D. McInerney,
Lewis Alexander, Sr.,	George Will. Follis,	Eli Nicholls,
W. W. Ayres,	J. P. Gay,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,
Posey D. Ball,	Geo. T. Halbert,	J. F. Porter,
John T. Bashaw,	Thos. H. Hanks,	A. T. Pullen,
B. T. Birkhead,	U. G. Harlow,	I. M. Quigley,
John Botts,	R. K. Hart,	C. D. Reed,
P. S. Bruner,	H. K. Hay,	Fenton Sims,

Polk Cansler,	P. R. Hays,	W. R. Stewart,
A. J. Carroll,	B. B. Hensley,	J. R. Summers,
B. E. Caudill,	F. W. Hutcheson,	D. W. Tribble,
R. F. Comer,	Daniel James,	J. H. Welch,
L. J. Cox,	J. S. Joplin,	B. F. Willett,
W. J. Cox,	R. M. Kincheloe,	Geo. E. Willett,
J. S. Cullen,	T. S. Kirk,	R. B. Wilson,
J. M. Dawson, Jr.,	Henry Kremer,	John D. Woods—52.
James R. Dean,		

In the negative—none.

Also H. B. 576. A bill authorizing cities of the second class to issue funding and refunding bonds.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The cities of the second class in the Commonwealth of Kentucky, namely: Covington, Lexington and Newport, are hereby authorized and empowered to issue funding bonds for an amount sufficient to pay off their floating debts existing under contracts at the date of the adoption of the Constitution: *Provided, however*, That said funding bonds shall only be issued for an amount sufficient to meet the principal of said contract indebtedness.

§ 2. Such cities are also authorized and empowered to issue bonds for the purpose of refunding any bonded debt which may hereafter mature, in whole or in part, existing at the date of the adoption of the Constitution.

§ 3. Said bonds shall be issued under the signature of the mayor, the counter signature of the city treasurer, and the seal of the city, serially numbered, and in such form and denomination, and for such time or times as the general council or common council in said cities shall prescribe by ordinance. Said bonds shall bear not exceeding six per cent. per annum interest, payable semi-annually, and shall have interest coupons attached, and shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively for the payment of said floating debts, or the refunding of such bonded debt, and for no other purpose whatsoever.

§ 4. Upon the issuance of said bonds, each of said cities shall annually carry to the sinking fund of the said city an amount sufficient to pay the annual interest on said bonds, and create a fund for their purchase from time to time; and whenever there is a sufficient sum in the sinking fund over and above the amount required for the payment of said interest, it shall be used in the purchase of so many of said bonds as practicable.

§ 5. This being a case of emergency, in the fact that cities of the second class in the Commonwealth of Kentucky are in-

debted for a floating debt created under contract, and existing at the date of the adoption of the Constitution, and there is no revenue in the said cities available for meeting said floating debts, and cities have bonded debts about to mature without any provision of law to refund same, this act shall take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	James R. Dean,	Henry Kremer,
Lewis Alexander, Sr.,	John Finn,	M. D. McInerney,
W. W. Ayres,	George Will. Follis,	Eli Nicholls,
W. S. Bailey,	J. P. Gay,	W. F. Peak,
Posey D. Ball,	J. C. Glenn,	Thos. S. Pettit,
John T. Bashaw,	Geo. T. Halbert,	A. T. Pullen,
B. T. Birkhead,	Thos. H. Hanks,	i. M. Quigley,
John Botts,	U. G. Harlow,	C. D. Reed,
P. S. Bruner,	R. K. Hart,	Fenton Sims,
Polk Cansler,	H. K. Hay,	W. R. Stewart,
A. J. Carroll,	P. R. Hays,	J. R. Summers,
B. E. Caudill,	B. B. Hensley,	D. W. Tribble,
R. F. Comer,	F. W. Hutcheson,	J. H. Welch,
W. J. Cox,	Daniel James,	B. F. Willett,
L. J. Cox,	J. S. Joplin,	Geo. E. Willett,
J. S. Cullen,	R. M. Kincheloe,	R. B. Wilson,
J. M. Dawson, Jr.,	T. S. Kirk,	John D. Woods—51.

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Mr. McInerney moved that the Committee on Railroads and Commerce be discharged from the further consideration of

S. B. 59. An act concerning the liability of railroad companies for the negligence of fellow-servants in their employ,

And that said committee be instructed to report said bill to the House at once.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Kremer and Ball, were as follows; viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Daniel James,	Thos. S. Pettit,
John Botts,	J. S. Joplin,	J. F. Porter,

Polk Cansler,
R. F. Comer,
J. P. Gay,
Geo. T. Halbert,

M. D. McInerney,
Eli Nicholls,
W. F. Peak,

Fenton Sims,
R. B. Wilson,
John D. Woods—16.

Those who voted in the negative, were—

Mr. Speaker (Moore),	J. M. Dawson, Jr.,	Henry Kremer,
W. W. Ayres,	James R. Dean,	W. H. May,
W. S. Bailey,	George Will Follis,	A. T. Pullen,
Posey D. Ball,	Thos. H. Hanks,	I. M. Quigley,
John T. Bashaw,	U. G. Harlow,	C. D. Reed,
B. T. Birkhead,	R. K. Hart,	W. R. Stewart,
P. S. Bruner,	H. K. Hay,	J. R. Summers,
A. J. Carroll,	P. R. Hays,	D. W. Tribble,
B. E. Caudill,	B. B. Hensley,	J. H. Welch,
L. J. Cox,	F. W. Hutcheson,	B. F. Willett,
W. J. Cox,	R. M. Kincheloe,	Geo. E. Willett—35.
J. S. Cullen,	T. S. Kirk,	

Mr. B. F. Willett, from the Committee on Enrollments, reported that they had examined enrolled bills and a joint resolution, which originated in the House, of the following titles, viz:

H. B. 383. An act concerning warehouses;

H. B. 528. An act in relation to commissioners and receivers of circuit courts;

H. B. 537. An act to amend an act, entitled "An act relating to State Penitentiary," approved ——— 1893, and declaring an emergency.

H. B. 546. An act authorizing the Warden to employ convict labor and extend the sewer along Mero street to low water-mark in the Kentucky river, and declaring an emergency.

H. B. 547. An act to provide for lighting the Governor's Mansion and other State buildings at Frankfort with electricity instead of gas;

H. B. 562. An act to provide for the levy and collection of a tax in certain common school districts to pay off indebtedness incurred by the trustees of such school districts in erecting and furnishing school-houses;

H. Resolution 106. Resolution directing the Public Printer to print and deliver to the Superintendent of Public Instruction 500 copies of the law providing for the management and administration of the A. & M. College;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills and resolution would now be read, and that he would sign the same to the end that they might become laws.

Said bills and resolution were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills and resolution to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty on this day.

And then the House adjourned.

MONDAY, JUNE 26, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	Wm. Garrison,	Eli Nicholls,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
Posey D. Ball,	Geo. T. Halbert,	Granville Philpot,
B. T. Birkhead,	Thos. H. Hanks,	J. F. Porter,
John Botts,	U. G. Harlow,	E. M. Pryse,
P. S. Bruner,	R. K. Hart,	A. T. Pullen,
A. J. Carroll,	H. K. Hay,	I. M. Quigley,
B. E. Caudill,	P. R. Hays,	S. H. Shouse,
R. F. Comer,	B. B. Hensley,	C. C. Spalding,
L. J. Cox,	F. W. Hutcheson,	W. W. Stephenson,
W. J. Cox,	Daniel James,	W. R. Stewart,
J. S. Cullen,	J. S. Joplin,	J. R. Summers,
J. M. Dawson, Jr.,	R. M. Kincheloe,	D. W. Tribble,
James R. Dean,	T. S. Kirk,	J. H. Welch,
John Finn,	C. W. Mathers,	B. F. Willett,
George Will. Follis,	W. H. May,	Geo. E. Willett,
J. M. Frazee,	Hiram McElroy,	John D. Woods—51.

The following members were absent, viz :

Lewis Alexander, Sr.,	J. P. Gay,	John Lee Payne,
T. J. Arnett,	S. M. Gough,	W. F. Peak,
W. S. Bailey,	A. L. Harned,	J. A. Perkins,
John Bartman,	W. J. Hissem,	C. D. Reed,
John T. Bashaw,	Berry Howard,	R. E. Roberts,
R. F. Bass,	W. W. Johnson,	John Ryan,
W. P. Beard,	Henry Kremer,	D. H. Severs,
B. F. Bennett,	William Krieger,	Waller Sharp,
Polk Cansler,	Lewis Y. Leavell,	Fenton Sims,
A. H. Charlton,	Jno. M. Letterle,	Samuel O. Tate,
F. P. Combest,	H. P. Lively,	Lewis E. Thomas,
Wesley Crow,	John S. May,	J. R. Thomas,
E. M. Dickson,	M. D. McInerney,	John M. Tinsley,
J. E. Durham,	Harvey Myers,	N. S. Walton,
D. B. Edmiston,	W. F. Neat,	H. P. Whitaker,
McD. Ferguson,	J. P. O'Meara,	R. B. Wilson—49.
Ben. F. Gardner,		

The Journal of yesterday was approved.

A message was received from the Senate, announcing that they had passed H. B. 561, entitled

An act authorizing the Public Printer to print one thousand copies of certain city charters.

That they had rejected H. Resolution 107, entitled

Resolution to direct county clerks to send to the State Board of Equalization tax-books and other papers necessary in the performance of their duties.

That they had disagreed to H. B. 509, entitled

An act to levy and collect a license tax on dogs, to encourage wool-growers, and the suppression of hydrophobia.

That they had concurred in the report of the Conference Committees, and passed H. B. 258, entitled

An act to establish a State Board of Pharmacy, defining its duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky.

That they had refused to recede from an amendment proposed by the Senate to H. B. 502, entitled

An act to authorize the county courts to maintain abandoned turnpike roads in this Commonwealth.

That they had adopted S. Resolution 68, entitled
Resolution for the benefit of the preachers of the Gospel of
Frankfort.

Ordered, That said resolution be referred to the Committee on
Claims.

Mr. Hensley, from the Committee on Claims, reported S. B.
250, entitled

An act relating to the employes of the General Assembly,
Without an expression of opinion.

Said bill was read the first time, ordered to be printed, and
read the second time on some other day.

The House took from the orders of the day H. B. 577, entitled
A bill to amend section 19 of an act, entitled "An act fixing
the time and terms of the circuit courts in the counties compos-
ing the several judicial districts in this Commonwealth," ap-
proved December 22, 1892.

Said bill was read the second time.

The House took from the orders of the day S. B. 256, entitled
An act to empower cities of the second class to issue bonds
for the construction of sewers which, by laws heretofore en-
acted, they are authorized to construct at the general expense
of, and pay for out of the taxes levied on, all the taxable prop-
erty of such cities.

Said bill was read the second time.

The House took from the Clerk's desk H. B. 258, entitled
A bill to establish a State Board of Pharmacy, defining its
duties and powers, and to regulate the practice of pharmacy in
the Commonwealth of Kentucky,

Together with the report of the Conference Committee ap-
pointed to take into consideration the differences between the
two Houses as to said bill.

Said Conference Committee's report was adopted.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of
the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. C. Glenn,	Granville Philpot,
W. W. Ayres,	Geo. T. Halbert,	J. F. Porter,

Posey D. Ball,	Thos. H. Hanks,	E. M. Pryse,
B. T. Birkhead,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	P. R. Hays,	I. M. Quigley,
A. J. Carroll,	B. B. Hensley,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	Fenton Sims,
R. F. Comer,	Daniel James,	C. C. Spalding,
L. J. Cox,	J. S. Joplin,	W. W. Stephenson,
W. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	C. W. Mathers,	D. W. Tribble,
James R. Dean,	W. H. May,	J. H. Welch,
John Finn,	Hiram McElroy,	B. F. Willett,
George Will Follis,	Harvey Myers,	Geo. E. Willett,
J. M. Frazee,	Eli Nicholls,	R. B. Wilson,
Wm. Garrison,	Thos. S. Pettit,	John D. Woods—51.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 542, entitled

A bill to authorize the appropriation of money to defray the expenses of commissioners to the battle-fields of Chickamauga and Missionary Ridge.

Ordered, That said bill be read the third time.

Said bill was read the third time and rejected, as follows viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, to defray the expenses of the Commissioners appointed by the Governor to visit the battle-fields of Chickamauga and Missionary Ridge, under the provisions of a resolution passed by the General Assembly authorizing said appointments.

§ 2. The Auditor shall, upon presentation by any one of the Commissioners of an itemized account, not to exceed fifty dollars to each Commissioner, to draw his warrant on the Treasury for the amount of the account due each Commissioner.

§ 3. Whereas, it is important that the duties of the Commissioners shall be discharged as speedily as possible; an emergency is hereby declared to exist, and this act shall take effect and be in force upon its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

John Botts,	J. M. Frazee,	Harvey Myers,
P. S. Bruner,	Wm. Garrison,	Granville Philpot,
A. J. Carroll,	J. C. Glenn,	E. M. Pryse,
B. E. Caudill,	U. G. Harlow,	I. M. Quigley,
R. F. Comer,	H. K. Hay,	C. C. Spalding,
L. J. Cox,	P. R. Hays,	W. W. Stephenson,
W. J. Cox,	B. B. Hensley,	D. W. Tribble,
J. S. Cullen,	Daniel James,	J. H. Welch,
J. M. Dawson, Jr.,	J. S. Joplin,	R. B. Wilson,
James R. Dean,	Hiram McElroy,	John D. Woods—31.
John Finn,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	R. K. Hart,	S. H. Shouse,
W. W. Ayres,	F. W. Hutcheson,	Fenton Sims,
Posey D. Ball,	T. S. Kirk,	W. R. Stewart,
B. T. Birkhead,	C. W. Mathers,	J. R. Summers,
George Will. Follis,	Eli Nicholls,	B. F. Willett,
Geo. T. Halbert,	Thos. S. Pettit,	Geo. E. Willett—20.
Thos. H. Hanks,	J. F. Porter,	

So said bill was rejected.

The House took up for consideration the special order of the day, viz :

H. B. 539. A bill for the government of cities of the second class.

Mr. Myers moved to postpone the further consideration of said bill until to-morrow at 10:30 A. M.

Said motion was adopted.

Mr. Mathers, from the Committee on Charitable Institutions, reported S. B. 240, entitled

An act to regulate the charitable institutions supported by the State,

Without an expression of opinion.

Said bill was read the first time, ordered to be printed, and recommitted.

Mr. B. F. Willett, from the Committee on Enrollments, reported that they had examined enrolled bills and joint resolutions, which originated in the Senate, of the following titles, viz :

S. B. 98. An act repealing all laws which authorize any mu-

nicipality to become a stockholder in company, association or corporation, or to obtain or [appropriate money for, or to loan its credit to, any corporation, association, or individual, and declaring an emergency ;

S. B. 165. An act in relation to descent and distribution, and entitled "Descent and Distribution ;"

S. B. 236. An act to regulate and control turnpike and gravel and plank roads ;

S. Resolution 63. Resolution providing for a *sine die* adjournment of the General Assembly ;

S. Resolution 69. Resolution expressive of the sense of the General Assembly relative to the expenditures for the World's Fair ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills and resolutions would now be read, and that he would sign the same to the end that they may become laws.

Said bills and resolutions were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

Mr. Myers, from the Committee on Codes of Practice, reported H. B. 578, originated by the committee, entitled

A bill to amend an act for the government of cities of the fifth class.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

And then the House adjourned.

TUESDAY, JUNE 27, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	Wm. Garrison,	Hiram McElroy,
W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
W. S. Bailey,	Geo. T. Halbert,	J. P. O'Meara,
John T. Bashaw,	Thos. H. Hanks,	W. F. Peak,
B. T. Birkhead,	C. G. Harlow,	Thos. S. Pettit,
John Botts,	A. L. Harned,	Granville Philpot,
P. S. Bruner,	R. K. Hart,	J. F. Porter,
B. E. Caudill,	H. K. Hay,	E. M. Pryse,
R. F. Comer,	P. R. Hays,	A. T. Pullen,
L. J. Cox,	B. B. Hensley,	C. D. Reed,
Will J. Cox,	F. W. Hutcheson,	S. H. Shouse,
J. S. Cullen,	Daniel James,	C. C. Spalding,
J. M. Dawson, Jr.,	J. S. Joplin,	W. R. Stewart,
James R. Dean,	R. M. Kincheloe,	J. R. Summers,
D. B. Edmiston,	T. S. Kirk,	D. W. Tribble,
John Finn,	William Krieger,	J. H. Welch,
George Will. Follis,	C. W. Mathers,	Geo. E. Willett,
J. M. Frazee,	W. H. May,	John D. Woods—54.

The following members were absent, viz :

Lewis Alexander, Sr.,	J. P. Gay,	I. M. Quigley,
T. J. Arnett,	S. M. Gough,	R. E. Roberts,
Posey D. Ball,	W. J. Hissem,	John Ryan,
John Bartman,	Berry Howard,	D. H. Severs,
R. F. Bass,	W. W. Johnson,	Waller Sharp,
W. P. Beard,	Henry Kremer,	Fenton Sims,
B. F. Bennett,	Lewis Y. Leavell,	W. W. Stephenson,
Polk Cansler,	John M. Letterle,	Samuel O. Tate,
A. J. Carroll,	H. P. Lively,	Lewis E. Thomas,
A. H. Charlton,	John S. May,	J. R. Thomas,
F. P. Combest,	M. D. McInerney,	John M. Tinsley,
Wesley Crow,	Harvey Myers,	N. S. Walton,
E. M. Dickson,	W. F. Neat,	H. P. Whitaker,
J. E. Durham,	John Lee Payne,	B. F. Willett,
McD. Ferguson,	J. A. Perkins,	R. B. Wilson—46.
Ben. F. Gardner,		

The Journal of yesterday was approved.

Mr. Hensley, from the Committee on Claims, reported S. Resolution 68, entitled

Resolution for the benefit of the preachers of the Gospel of Frankfort,

With an amendment proposed thereto by the committee.

Said resolution was read the second time, ordered to be printed, and read the second time on some other day.

Mr. Myers, from the Committee on Codes of Practice, reported S. B. 253, entitled

An act to amend section 364 of the Civil Code.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

A message was received from the Senate, announcing that they had concurred in H. Resolution 103, entitled

Resolution to provide for collating, compiling, classifying, arranging and editing the general statutory laws of this Commonwealth,

With amendments proposed thereto by the Senate.

That they had passed S. B. 257, entitled

An act prescribing a penalty for the violation of section 201 of the Constitution.

Ordered, That said bill be referred to the Committee on Judiciary.

The House took up for consideration the special order of this day, viz:

H. B. 539. A bill for the government of cities of the second class in the Commonwealth of Kentucky.

Together with the substitute proposed therefor by the Senate.

Mr. Myers moved to amend said substitute as follows, viz:

Resolved, That substitute for H. B. 539 do pass, amended as follows, viz:

1. Strike out lines 3, 4, 5, 6 and 7 of section 3, page 4, and insert in lieu thereof the following: "Shall be published at least once in a daily paper printed in the city, and having the largest permanent circulation in said city, which shall be ascertained in such manner as the general council shall direct. Such newspaper shall be selected annually by the general council, and shall be the official paper of the city, and all ordinances shall be therein published in full, except that ordinances ordering improvements or public works shall not contain a copy or state-

ment of the specifications: *Provided, however,* That in no case shall the amount charged for such advertising exceed the regular rates of said paper, and all advertisements shall be set up as solid matter."

2. Add after the word "city," in line 3, section 1, article 4, page 5, the words "within the State of Kentucky."

3. Strike out the word "two," in line 12, section 5, page 7, and insert in lieu thereof the word "in."

4. Add after the words "shall cause," in line 13, section 5, page 7, the words "its proceedings and."

5. In line 1, section 7, page 8, strike out the word "this," and insert in lieu thereof the word "such."

6. In line 34, section 13, page 10, strike out the words "and funding."

7. Strike out the proviso at the conclusion of subsection 4, page 13.

8. After the word "far," in line 1, subsection 6, page 14, insert the word "as;" and after the word "houses," in line 7, insert the word "and."

9. Strike out the first three lines of section 4, page 16, down to the words "make such change," and insert in lieu thereof the following:

§ 4. The general council shall have complete and final authority in any improvement or re-improvement, and before commencing any such improvement or re-improvement may make such changes, etc.

10. In the thirteenth line of said section 14 strike out the word "next," and insert in lieu thereof the word "making."

11. In line 2, section 17, page 18, insert the word "the" before the word "general."

12. In line 18, page 20, strike out the letter "a," and insert in lieu thereof the word "the."

13. In line 17, page 20, strike out the figures "15," and insert in lieu thereof the figures "30."

14. In line 12, section 11, page 21, insert the word "of" after the word "condemnation."

15. In line 6, page 23, strike out the figures "\$2,000," and insert in lieu thereof the figures "\$2,500."

16. In line 13, page 25, insert the word "and" before the word "exercise."

17. In line 19, page 25, strike out the word "two," and insert in lieu thereof the word "four."

18. In line 22, page 25, strike out the word "one," and insert in lieu thereof the word "two."

19. In line 23, page 25, strike out the word "two," and insert in lieu thereof the word "four."

20. In line 25, page 25, strike out the word "annually," and insert in lieu thereof the word "biennially."

21. In lines 1 and 2, section 1, page 29, strike out the words "the qualified voters of the city," and insert in lieu thereof the words "the board of general council in joint session."

22. In line 34, section 2, page 29, strike out the word "office," and insert in lieu thereof the word "officer."

23. In line 5, section 1, page 31, strike out the word "two," and insert in lieu thereof the word "four."

24. In line 4, section 1, article 11, strike out the word "two," and insert in lieu thereof the word "four."

25. In line 5, section 15, page 37, strike out the word "two," and insert in lieu thereof the word "four."

26. At the bottom of page 37 strike out the words "and he shall hold his office for two years."

27. Strike out section 22, page 38.

28. In the third line from the bottom of page 40, strike out the word "two," and insert in lieu thereof the word "four."

29. In line 2 of section 9, page 45, strike out the word "mayor," and insert in lieu thereof the words "general council in joint session by a *viva voce* vote."

30. Add after the words "shall be," in line 3, section 11, page 47, the word "paid."

31. Strike out of lines 8, 9 and 10, of section 13, pages 48 and 49, the following words and figures: "And when they shall have been bearing interest for one year there shall be an additional penalty of ten per cent. added to the amount of the bill, penalty and interest;" and add after the words "per annum," in line 8 of section 13, page 4, the words "for one year."

32. Strike out the words "clerk of the board of aldermen," in line 2 of section 14, page 48, and insert in lieu thereof the words "city clerk."

33. Strike out the word "to," in line 12 of section 14, page 48, and insert in lieu thereof the word "shall."

34. Strike out of line marked 34, on page 50, the word "and," and insert in lieu thereof the word "in."

35. Strike out of line 2, section 1, article 15, page 51, the words "general council," and insert in lieu thereof the words "board of councilmen."

36. In line 3, section 1, page 51, strike out the word "three," and insert in lieu thereof the word "two."

37. Strike out of lines 6, 7 and 8, page 55, at the top, the words "and when a person has been removed from office he

shall be ineligible thereto during the time for which he has been elected."

38. Strike out all of page 60.

39. After the word "compel," in line 7, section 2, page 61, insert the word "attendance."

40. In lines 3 and 4, section 9, page 65, strike out the words "making an adequate deduction for taxes for school purposes on property in said city, paid by parents or guardians of said children."

41. In line 9, section 15, page 67, strike out the word "sign," and insert in lieu thereof the word "attest."

42. Strike out of lines 5 and 6, of section 14, page 67, the words: "Said clerk, countersigned by the auditor and approved by the president of the board of education," and insert in lieu thereof the following: "The president of the board of education, attested by the clerk of said board, and countersigned by the auditor."

43. Add at the conclusion of section 19, page 68, the following: "And in cities where the terms of office of one trustee, from each ward expire, in January succeeding the election above provided for, and one from each ward hold for another year thereafter, there shall be but one member of the board of education elected from each ward at the first general election under this act, who, with the members or trustees holding over, or whose terms of office do not expire, shall constitute the board of education of said city, and be in all respects governed by the provisions of this act."

44. Add above section 22, page 69, the following: "Vacancies in the board of education may be filled until the next general election by a *vive voce* vote of a majority of all the members elect said board."

Said amendments were adopted.

Said substitute, as amended, was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. C. Glenn,	Harvey Myers,
W. W. Ayres,	Geo. T. Halbert,	Eli Nicholls,
W. S. Bailey,	Thos. H. Hanks,	J. P. O'Meara,
B. T. Birkhead,	U. G. Harlow,	W. F. Peak,
John Botts,	A. L. Harned,	Thos. S. Pettit,
P. S. Bruner,	R. K. Hart,	Granville Philpot,

A. J. Carroll,	H. K. Hay,	J. F. Porter,
B. E. Caudill,	P. R. Hays,	E. M. Pryse,
R. F. Comer,	B. B. Hensley,	A. T. Pullen,
L. J. Cox,	F. W. Hutcheson,	C. D. Reed,
W. J. Cox,	Daniel James,	S. H. Shouse,
J. S. Cullen,	J. S. Joplin,	Fenton Sims,
J. M. Dawson, Jr.,	R. M. Kincheloe,	C. C. Spalding,
James R. Dean,	J. S. Kirk,	W. R. Stewart,
D. B. Edmiston,	Henry Kremer,	D. W. Tribble,
John Finn,	William Krieger,	J. H. Welch,
George Will. Follis,	C. W. Mathers,	H. P. Whitaker,
J. M. Frazee,	W. H. May,	Geo. E. Willett,
Wm. Garrison,	Hiram McElroy,	R. B. Wilson,
Ben. F. Gardner,	M. D. McInerney	John D. Woods—61.
J. P. Gay,		

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 573, entitled

A bill to prohibit the issuing of certain obligations to be redeemed in numerical order, or in any arbitrary order of precedence.

Mr. Myers moved an amendment to said bill.

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. All corporations organized under the laws of this Commonwealth, all foreign corporations doing business in this Commonwealth, and all companies and persons, are prohibited from issuing, negotiating or selling any bonds, certificates or obligations of any kind, which are by the terms thereof to be redeemed in numerical order or in any arbitrary order of precedence, without reference to the amount previously paid thereon by the holder thereof, whether the same are sold on the installment plan or otherwise.

§ 2. Any company or person violating any of the provisions of this act shall be punished by a fine of fifty dollars for each offense, and any corporation violating any of the provisions of this act shall forfeit the sum of fifty dollars for each offense, to be recovered in an action brought in the name of the Commonwealth in the county in which the corporation is established.

§ 3. The violation of any of the provisions of this act by any corporation organized under the laws of this Commonwealth shall work a forfeiture of its franchise.

§ 4. The violation of any of the provisions of this act by any corporation not organized under the laws of this Commonwealth shall operate as a discontinuance of its right to do business in this Commonwealth, and the circuit court of the county in which such violation of this act is committed, on application of the Commissioner of Insurance and proof of a violation of any of the provisions of this act, shall enjoin such corporation from further continuing its business in this Commonwealth.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. P. Gay,	J. P. O'Meara,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	Thos. H. Hanks,	Thos. S. Pettit,
John T. Bashaw,	U. G. Harlow,	Granville Philpot,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
John Botts,	R. K. Hart,	A. T. Pullen,
P. S. Bruner,	H. K. Hay,	I. M. Quigley,
A. J. Carroll,	P. R. Hays,	C. D. Reed,
B. E. Caudill,	B. B. Hensley,	Waller Sharp,
L. J. Cox,	F. W. Hutcheson,	S. H. Shouse,
W. J. Cox,	Daniel James,	Fenton Sims,
J. S. Cullen,	J. S. Joplin,	C. C. Spalding,
J. M. Dawson, Jr.,	R. M. Kincheloe,	W. R. Stewart,
James R. Dean,	T. S. Kirk,	J. R. Summers,
D. B. Edmiston,	Henry Kremer,	D. W. Tribble,
John Finn,	William Krieger,	J. H. Welch,
George Will. Follis,	Hiram McElroy,	H. P. Whitaker,
J. M. Frazee,	M. D. McInerney,	Geo. E. Willett,
Wm. Garrison,	Harvey Myers,	R. B. Wilson,
Ben. F. Gardner,	Eli Nicholls,	John D. Woods—60.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the Clerk's desk H. Resolution 103, entitled

Resolution to provide for collating, compiling, classifying, arranging, indexing and editing the general statutory laws of this Commonwealth,

Together with the amendments proposed thereto by the Senate.

Mr. Hay moved to amend the Senate amendment by adding

thereto these words: "Said Commission shall not remain in session longer than sixty days."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Hay and Mathers, were as follows, viz :

Those who voted in the affirmative, were—

B. T. Birkhead,	P. R. Hays,	Thos. S. Pettit,
R. F. Comer,	T. S. Kirk,	E. M. Pryse,
Thos. H. Hanks,	C. W. Mathers,	S. H. Shouse—11.
H. K. Hay,	Eli Nicholls,	

Those who voted in the negative, were—

Mr. Speaker (Moore),	Wm. Garrison,	M. D. McInerney,
W. W. Ayres,	Ben. F. Gardner,	Harvey Myers,
W. S. Bailey,	J. P. Gay,	J. P. O'Meara,
Posey D. Ball,	J. C. Glenn,	W. F. Peak,
John T. Bashaw,	Geo. T. Halbert,	Granville Philpot,
John Botts,	U. G. Harlow,	A. T. Pullen,
P. S. Bruner,	A. L. Harned,	I. M. Quigley,
A. J. Carroll,	R. K. Hart,	C. D. Reed,
B. E. Caudill,	B. B. Hensley,	R. E. Roberts,
L. J. Cox,	W. J. Hissem,	Waller Sharp,
W. J. Cox,	F. W. Hutcheson,	Fenton Sims,
J. S. Cullen,	Daniel James,	C. C. Spalding,
J. M. Dawson, Jr.,	J. S. Joplin,	J. R. Summers,
James R. Dean,	R. M. Kincheloe,	J. H. Welch,
D. B. Edmiston,	Henry Kremer,	H. P. Whitaker,
John Finn,	William Krieger,	Geo. E. Willett,
George Will. Follis,	W. H. May,	R. B. Wilson,
J. M. Frazee,	Hiram McElroy,	John D. Woods—54.

The question being taken on the adoption of the amendments proposed by the Senate, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bailey and Kirk, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	R. K. Hart,	C. D. Reed,
Posey D. Ball,	B. B. Hensley,	R. E. Roberts,
John T. Bashaw,	W. J. Hissem,	Waller Sharp,
John Botts,	Daniel James,	Fenton Sims,
A. J. Carroll,	R. M. Kincheloe,	C. C. Spalding,

L. J. Cox,	Henry Kremer,	J. R. Summers,
W. J. Cox,	William Krieger,	J. H. Welch,
James R. Dean,	W. H. May,	H. P. Whitaker,
J. M. Frazee,	Hiram McElroy,	B. F. Willett,
Ben. F. Gardner,	M. D. McInerney,	Geo. E. Willett,
J. P. Gay,	J. P. O'Meara,	R. B. Wilson,
Geo. T. Halbert,	W. F. Peak,	John D. Woods—38.
A. L. Harned,	I. M. Quigley,	

Those who voted in the negative, were—

W. S. Bailey,	George Will. Follis,	C. W. Mathers,
B. T. Birkhead,	Wm. Garrison,	Eli Nicholls,
P. S. Bruner,	J. C. Glenn,	Thos. S. Pettit,
B. E. Caudill,	H. K. Hay,	Granville Philpot,
R. F. Comer,	P. R. Hays,	J. F. Porter,
J. S. Cullen,	F. W. Hutcheson,	E. M. Pryse,
J. M. Dawson, Jr.,	J. S. Joplin,	A. T. Pullen,
D. B. Edmiston,	T. S. Kirk,	S. H. Shouse,
John Finn,	I. M. Quigley,	W. R. Stewart—27.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and adopted.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	Geo. T. Halbert,	W. F. Peak,
W. S. Bailey,	Thos. H. Hanks,	Granville Philpot,
Posey D. Ball,	U. G. Harlow,	E. M. Pryse,
John T. Bashaw,	A. L. Harned,	A. T. Pullen,
John Botts,	R. K. Hart,	I. M. Quigley,
P. S. Bruner,	B. B. Hensley,	C. D. Reed,
A. J. Carroll,	W. J. Hissem,	R. E. Roberts,
B. E. Caudill,	F. W. Hutcheson,	Waller Sharp,
L. J. Cox,	Daniel James,	S. H. Shouse,
W. J. Cox,	J. S. Joplin,	Fenton Sims,
J. M. Dawson, Jr.,	R. M. Kincheloe,	C. C. Spalding,
James R. Dean,	T. S. Kirk,	W. R. Stewart,
D. B. Edmiston,	Henry Kremer,	J. R. Summers,
John Finn,	William Krieger,	D. W. Tribble,
George Will. Follis,	C. W. Mathers,	J. H. Welch,
J. M. Frazee,	W. H. May,	H. P. Whitaker,
Wm. Garrison,	Hiram McElroy,	Geo. E. Willett,
Ben. F. Gardner,	M. D. McInerney,	R. B. Wilson,
J. P. Gay,	Harvey Myers,	John D. Woods—59.
J. C. Glenn,	J. P. O'Meara,	

Those who voted in the negative, were—

Thos. S. Pettit, J. F. Porter—2.

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

The House took from the orders of the day H. Resolution 114, entitled

Resolution appropriating money to retouch and regild portraits belonging to the State.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and adopted, as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky: 1. That the State Librarian be authorized to employ a competent artist to restore paintings and regild the frames inclosing them in the Halls of the Senate and House of Representatives, the Court of Appeals rooms and the Library, so that these valuable pictures may be preserved to the State. That a sum is hereby appropriated, not exceeding two hundred dollars, for that purpose, and the Auditor is authorized to draw his warrant on the Treasurer on the approval of the Governor.

2. An emergency is declared, the necessity being the preservation of these valuable relics ; therefore, this act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Harvey Myers,
W. W. Ayres,	J. C. Glenn,	J. P. O'Meara,
W. S. Bailey,	Geo. T. Halbert,	W. F. Peak,
Posey D. Ball,	Thos. H. Hanks,	Thos. S. Pettit,
John T. Bashaw,	U. G. Harlow,	Granville Philpot,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
John Botts,	R. K. Hart,	A. T. Pullen,
P. S. Bruner,	H. K. Hay,	I. M. Quigley,
A. J. Carroll,	P. R. Hays,	C. D. Reed,
B. E. Caudill,	B. B. Hensley,	R. E. Roberts,
L. J. Cox,	F. W. Hutcheson,	C. C. Spalding,
W. J. Cox,	Daniel James,	J. R. Summers,
J. S. Cullen,	J. S. Joplin,	D. W. Tribble,
D. B. Edmiston,	Henry Kremer,	J. H. Welch,
John Finn,	William Krieger,	H. P. Whitaker,

J. M. Frazee,	W. H. May,	Geo. E. Willett,
Wm. Garrison,	Hiram McElroy	R. B. Wilson,
Ben. F. Gardner,	M. D. McInerney,	John D. Woods—54.

Those who voted in the negative, were—

J. M. Dawson, Jr., W. R. Stewart—2.

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

The House took from the Clerk's desk S. B. 240, entitled

An act to regulate the charitable institutions supported by the State.

Said bill was read the second time.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the House, of the following title, viz:

H. B. 557. An act to enable incorporated colleges and universities located in this Commonwealth to establish adjunct schools and colleges,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bill to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bill to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. Hart called up the motion heretofore entered by Mr. Beard to reconsider the vote by which the House rejected S. B. 204, entitled

An act in relation to the Library of the Commonwealth and the Librarian thereof, and entitled "Library."

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Hart and Kremer, were as follows, viz :

Those who voted in the affirmative, were—

W. S. Bailey,	R. K. Hart,	Thos. S. Pettit,
Posey D. Ball,	B. B. Hensley,	I. M. Quigley,
John Botts,	W. J. Hissem,	C. D. Reed,
P. S. Bruner,	Daniel James,	R. E. Roberts,
A. J. Carroll,	T. S. Kirk,	Waller Sharp,
L. J. Cox,	Henry Kremer,	C. C. Spalding,
W. J. Cox,	W. H. May,	D. W. Tribble,
D. B. Edmiston,	Hiram McElroy,	J. H. Welch,
J. M. Frazee,	M. D. McInerney,	H. P. Whitaker,
Ben. F. Gardner,	Harvey Myers,	R. B. Wilson,
J. C. Glenn,	J. P. O'Meara,	John D. Woods—34.
Geo. T. Halbert,		

Those who voted in the negative, were—

W. W. Ayres,	U. G. Harlow,	W. F. Peak,
John T. Bashaw,	A. L. Harned,	Granville Philpot,
B. T. Birkhead,	H. K. Hay,	J. F. Porter,
B. E. Caudill,	P. R. Hays,	E. M. Pryse,
R. F. Comer,	F. W. Hutcheson,	A. T. Pullen,
J. S. Cullen,	J. S. Joplin,	S. H. Shouse,
J. M. Dawson, Jr.,	R. M. Kincheloe,	Fenton Sims,
James R. Dean,	William Krieger,	W. R. Stewart,
John Finn,	C. W. Mathers,	J. R. Summers,
George Will. Follis,	Eli Nicholls,	Geo. E. Willett—31.
Thos. H. Hanks,		

Mr. Pettit moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was adopted.

Pending the consideration of said bill, the hour of 1 o'clock, P. M., arrived,

And then the House adjourned.

WEDNESDAY, JUNE 28, 1893.

The House was opened with prayer by Elder Geo. Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	Thos. H. Hanks,	W. F. Peak,
Lewis Alexander, Sr.,	U. G. Harlow,	Thos. S. Pettit,
W. W. Ayres,	A. L. Harned,	Granville Philpot,
W. S. Bailey,	R. K. Hart	E. M. Pryse,
B. T. Birkhead,	P. R. Hays,	A. T. Pullen,
John Botts,	B. B. Hensley,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
B. E. Caudill,	F. W. Hutcheson,	Waller Sharp,
R. F. Comer,	Daniel James,	S. H. Shouse,
W. J. Cox,	J. S. Joplin,	C. C. Spalding,
J. S. Cullen,	R. M. Kincheloe,	W. W. Stephenson,
J. M. Dawson, Jr.,	T. S. Kirk,	W. R. Stewart,
D. B. Edmiston,	William Krieger,	J. R. Summers,
John Finn,	C. W. Mathers,	N. S. Walton,
George Will. Follis,	W. H. May,	J. H. Welch,
J. M. Frazee,	Hiram McElroy,	Geo. E. Willett,
J. C. Glenn,	Eli Nicholls,	John D. Woods—53.
Geo. T. Halbert,	J. P. O'Meara,	

The following members were absent, viz :

T. J. Arnett,	McD. Ferguson,	John Lee Payne,
Posey D. Ball,	Wm. Garrison,	J. A. Perkins,
John Bartman,	Ben F. Gardner,	J. F. Porter,
John T. Bashaw,	J. P. Gay,	I. M. Quigley,
R. F. Bass,	S. M. Gough,	R. E. Roberts,
W. P. Beard,	H. K. Hay,	John Ryan,
B. F. Bennett,	Berry Howard,	Fenton Sims,
Polk Cansler,	W. W. Johnson,	Samuel O. Tate,
A. J. Carroll,	Henry Kremer,	Lewis E. Thomas,
A. H. Charlton,	Lewis Y. Leavell,	J. R. Thomas,
F. P. Combest,	John M. Letterle,	John M. Tinsley,
L. J. Cox,	H. P. Lively,	D. W. Tribble,
Wesley Crow,	John S. May,	H. P. Whitaker,
James R. Dean,	M. D. McInerney,	B. F. Willett,
E. M. Dickson,	Harvey Myers,	R. B. Wilson—47.
J. E. Durham,	W. F. Neat,	

The Journal of yesterday was approved .

Mr. Sims entered a motion to reconsider the vote by which the House passed H. B. 573, entitled

An act to prohibit the issuing of certain obligations to be redeemed in numerical order, or in any arbitrary order of precedence.

Mr. Peak entered a motion to reconsider the vote by which the amendment moved by Mr. Myers to said bill was adopted.

The House took from the orders of the day H. B. 577, entitled

A bill to amend section 19 of an act, entitled "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That section nineteen of the act, entitled "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, be, and the same is hereby, amended so as to read as follows :

"§ 19. Nineteenth District—Bracken county, at Brooksville, on the second Monday in March and October, eighteen juridical days each, and the first Monday in July, twelve juridical days. Mason county, at Maysville, on the first Monday in February, thirty juridical days, and the first Monday in June, twenty-four juridical days, and the third Monday in November, thirty juridical days. Fleming county, at Flemingsburg, on the first Monday in January, twelve juridical days ; Tuesday after the fourth Monday in April, seventeen juridical days ; third Monday in September, eighteen juridical days. Lewis county, at Vanceburg, on the third Mondays in January and May, twelve juridical days each ; first Monday in September, twelve juridical days. Greenup county, at Greenup (Court House), on the first Monday in April and November and the third Monday in July, twelve juridical days each."

§ 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. An emergency is declared, the reason therefor being that the convenience and comfort of both officials and litigants can be better subserved. This act shall take effect when approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz ;

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Eli Nicholls,
Lewis Alexander, Sr.,	J. C. Glenn,	W. F. Peak,
W. W. Ayres,	Geo. T. Halbert,	Thos. S. Pettit,
W. S. Bailey,	Thos. H. Hanks,	Granville Philpot,
John T. Bashaw,	A. L. Harned,	J. F. Porter,
W. P. Beard,	R. K. Hart,	E. M. Pryse,
B. T. Birkhead,	H. K. Hay,	C. D. Reed,
P. S. Bruner,	P. R. Hays,	D. H. Severs,
B. E. Caudill,	B. B. Hensley,	Waller Sharp,
R. F. Comer,	W. J. Hissem,	S. H. Shouse,
L. J. Cox,	F. W. Hutcheson,	Fenton Sims,
W. J. Cox,	Daniel James,	W. W. Stephenson,
J. S. Cullen,	J. S. Joplin,	W. R. Stewart,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
D. B. Edmiston,	T. S. Kirk,	D. W. Tribble,
John Finn,	William Krieger,	J. H. Welch,
George Will. Follis,	W. H. May,	Geo. E. Willett,
J. M. Frazee,	Hiram McElroy,	R. B. Wilson,
Wm. Garrison,	M. D. McInerney,	John D. Woods—57.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid :

The House took from the orders of the day H. Resolution 109, entitled

Resolution directing Public Printer to print one thousand copies of an act relating to courts of justice.

The motion heretofore entered to reconsider the vote by which said resolution was rejected was adopted.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and adopted, as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky : 1. That the Public Printer be, and he is hereby, directed to print for use of the members of this General Assembly one thousand copies of an act relating to courts of justice.

2. As this act is now in force, the necessity that the courts and people should be informed of its provisions creates an emergency, and this resolution shall take effect upon its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	W. F. Peak,
Lewis Alexander, Sr.,	J. C. Glenn,	Thos. S. Pettit,
W. W. Ayres,	Geo. T. Halbert,	Granville Philpot,
W. S. Bailey,	Thos. H. Hanks,	J. F. Porter,
Posey D. Ball,	A. L. Harned,	E. M. Pryse,
W. P. Beard,	H. K. Hay,	A. T. Pullen,
John Botts,	P. R. Hays,	I. M. Quigley,
P. S. Bruner,	W. J. Hissem,	C. D. Reed,
B. E. Caudill,	F. W. Hutcheson,	Waller Sharp,
R. F. Comer,	Daniel James,	Fenton Sims,
L. J. Cox,	J. S. Joplin,	W. W. Stephenson,
W. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	William Krieger,	D. W. Tribble,
D. B. Edmiston,	Hiram McElroy,	J. H. Welch,
John Finn,	M. D. McInerney,	Geo. E. Willett,
George Will. Follis,	Harvey Myers,	R. B. Wilson,
J. M. Frazee,	Eli Nicholls,	John D. Woods—56.
Wm. Garrison,	J. P. O'Meara,	

In the negative—none.

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

Mr. Sims, from the Committee on Judiciary, reported S. B. 257, entitled

An act prescribing a penalty for the violation of section 201 of the Constitution.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

The House took from the orders of the day the unfinished business of yesterday, viz :

S. B. 204. An act in relation to the Library of the Commonwealth and the Librarian thereof, and entitled "Library."

Said bill was read as follows, viz :

[*See Bill in House Journal May 31, 1893.*]

Mr. Hanks moved to amend said bill by striking out of section 7 the words "twelve hundred," and inserting in lieu thereof the words "one thousand;" also strike out of section 9 the word "sixty" and insert the word "fifty."

Said amendment was adopted.

Mr. Pettit moved to reconsider the vote by which the House had heretofore rejected an amendment proposed by the committee to provide for the election of the Librarian by the Court of Appeals.

Said motion was rejected.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	Hiram McElroy,
Lewis Alexander, Sr.,	J. C. Glenn,	M. D. McInerney,
W. S. Bailey,	Geo. T. Halbert,	Harvey Myers,
John T. Bashaw,	Thos. H. Hanks,	J. P. O'Meara,
W. P. Beard,	A. L. Harned,	Thos. S. Pettit,
B. T. Birkhead,	R. K. Hart,	J. F. Porter,
John Botts,	H. K. Hay,	E. M. Pryse,
P. S. Bruner,	P. R. Hays,	C. D. Reed,
A. J. Carroll,	B. B. Hensley,	Waller Sharp,
L. J. Cox,	W. J. Hissem,	S. H. Shouse,
W. J. Cox,	Daniel James,	C. C. Spalding,
J. S. Cullen,	R. M. Kincheloe,	W. R. Stewart,
J. M. Dawson, Jr.,	T. S. Kirk,	J. R. Summers,
D. B. Edmiston,	William Krieger,	N. S. Walton,
John Finn,	John M. Letterle,	H. P. Whitaker,
George Will. Follis,	C. W. Mathers,	R. B. Wilson,
J. M. Frazee,	W. H. May,	John D. Woods—52.
Wm. Garrison,		

Those who voted in the negative, were—

W. W. Ayres,	J. S. Joplin,	Granville Philpot,
Ben. F. Gardner,	Eli Nicholls,	A. T. Pullen,
U. G. Harlow,	W. F. Peak,	Fenton Sims—10.
F. W. Hutcheson,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had disagreed to H. B. 536 and 538, entitled

An act to prevent trusts, pools, combinations or other organizations from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value, and fixing a penalty for violations thereof.

An act to amend an act, entitled "An act requiring railroad corporations and other persons operating and controlling railroads, and land-owners, to fence their right of way and railroad track, and to construct barriers and cattle-guards at certain public road and highway crossings, and to maintain and keep in repair, and prescribing remedies and penalties for failing to do so."

That they had passed bills, which originated in the Senate, of the following titles, viz:

1. S. B. 258. An act to provide for police protection for counties containing cities of the second class.

2. S. B. 260. An act to authorize the appointment of official stenographic reporters in counties containing a population of 75,000 or over.

Ordered, That said bills be referred—the 1st to the Committee on Municipalities; the 2d to the Committee on Circuit Courts.

A message was received from the Senate, announcing that they had refused to concur in amendments proposed by the House to the substitute proposed by the Senate to H. B. 239, entitled

An act for the government of cities of the second class.

The House refused to recede from its amendments.

Whereupon the Speaker appointed Messrs. Hanks, Peak and Hart a Committee of Conference upon the part of the House, to act with a like committee on the part of the Senate, to take into consideration the differences between the two Houses as to said bill.

Mr. Gardner, from the Committee on Circuit Courts, reported S. B. 260, entitled

An act to authorize the appointment of official stenographic reporters in counties containing a population of 75,000 or over.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Sharp, from the Committee on Municipalities, reported S. B. 258, entitled

An act to provide police protection for counties containing cities of the second class.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

Mr. Pettit, from the Committee on Railroads and Commerce, reported S. B. 59, entitled

An act concerning the liability of railroad companies for the negligence of fellow-servants in their employ,

Together with the substitute for said bill heretofore adopted by the House.

Mr. Hanks moved that the House insist on its substitute.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Hanks and Carroll, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	A. T. Pullen,
W. W. Ayres,	Thos. H. Hanks,	I. M. Quigley,
W. S. Bailey,	U. G. Harlow,	C. D. Reed,
Posey D. Ball,	A. L. Harned,	D. H. Severs,
John T. Bashaw,	R. K. Hart,	Waller Sharp,
W. P. Beard,	H. K. Hay,	S. H. Shouse,
A. J. Carroll,	B. B. Hensley,	C. C. Spalding,
L. J. Cox,	Daniel James,	W. W. Stephenson,
J. M. Dawson, Jr.,	R. M. Kincheloe,	J. R. Summers,
D. B. Edmiston,	William Krieger,	D. W. Tribble,
McD. Ferguson,	W. H. May,	N. S. Walton,
Geo. Will. Follis,	Hiram McElroy,	J. H. Welch,
J. M. Frazee,	Harvey Myers,	H. P. Whitaker—39.

Those who voted in the negative, were—

B. T. Birkhead,	P. R. Hays,	W. F. Peak,
John Botts,	F. W. Hutcheson,	Thos. S. Pettit,
P. S. Bruner,	J. S. Joplin,	Granville Philpot,
R. F. Comer,	T. S. Kirk,	J. F. Porter,
W. J. Cox,	John M. Letterle,	Fenton Sims,
J. S. Cullen,	C. W. Mathers,	W. R. Stewart,
James R. Dean,	M. D. McInerney,	Geo. E. Willett,
John Finn,	Eli Nicholls,	R. B. Wilson,
J. C. Glenn,	J. P. O'Meara,	John D. Woods—28.
Geo. T. Halbert,		

Mr. McElroy moved to postpone the further consideration indefinitely.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Kirk and O'Meara, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	U. G. Harlow,	A. T. Pullen,
W. S. Bailey,	A. L. Harned,	I. M. Quigley,
Posey D. Ball,	R. K. Hart,	C. D. Reed,
W. P. Beard,	H. K. Hay,	D. H. Severs,
A. J. Carroll,	B. B. Hensley,	Waller Sharp,
L. J. Cox,	R. M. Kincheloe,	S. H. Shouse,
J. M. Dawson, Jr.,	William Krieger,	C. C. Spalding,
D. B. Edmiston,	W. H. May,	W. W. Stephenson,
McD. Ferguson,	Hiram McElroy,	D. W. Tribble,
George Will. Follis,	Harvey Myers,	J. H. Welch,
J. M. Frazee,	W. F. Peak,	H. P. Whitaker—35.
Thos. H. Hanks,	E. M. Pryse,	

Those who voted in the negative, were—

W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
B. T. Birkhead,	Geo. T. Halbert,	J. P. O'Meara,
John Botts,	P. R. Hays,	Thos. S. Pettit,
P. S. Bruner,	W. J. Hissem,	Granville Philpot,
B. E. Caudill,	F. W. Hutcheson,	J. F. Porter,
R. F. Comer,	Daniel James,	Fenton Sims,
W. J. Cox,	J. S. Joplin,	W. R. Stewart,
James R. Dean,	T. S. Kirk,	J. R. Summers,
John Finn,	John M. Letterle,	N. S. Walton,
Wm. Garrison,	C. W. Mathers,	Geo. E. Willett,
J. P. Gay,	M. D. McInerney,	John D. Woods—33.

So said bill was rejected.

Mr. Halbert read and laid on the table the following resolution, viz:

WHEREAS, The Hon. Albert H. Charlton, a member of this House from the Seventh District of Louisville, has made charges of bribery against members of the body without specifying any names, thus leaving the whole body under such serious charge, and that he has had notice to appear before the House and make good said charges, if any he knows, and having so far failed to take any notice of our request except to reiterate same through the daily papers; therefore,

Resolved, That unless the said Charlton shall appear before this House on or before Saturday next at 11 o'clock, A. M., and reveal the names of the members he alludes to who were so bribed, thus relieving himself from contempt and the House generally from such imputation and odium, that he be expelled from the body he has so publicly maligned and wronged.

Mr. Mathers, from the Committee on Charitable Institutions, reported S. B. 240, entitled

An act to regulate the charitable institutions supported by the State,

With sundry amendments proposed thereto by the committee.

Said bill was read as follows, viz :

- ARTICLE I. General provisions concerning.
- ARTICLE II. Asylums for the insane.
- ARTICLE III. Kentucky school for feeble-minded children.
- ARTICLE IV. Kentucky school for the education of the blind.
- ARTICLE V. Kentucky school for deaf mutes.

ARTICLE I. GENERAL PROVISIONS CONCERNING.

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. The charitable institutions herein mentioned are continued under their present organization and the control of their present commissioners; and the commissioners, superintendents and other officers shall hold their respective offices for the term for which they were respectively appointed, but subject to removal according to law. Each institution is declared to be a body-politic and corporate for the benefit of the State under the following corporate names: That at Lexington, by the name of the "Eastern Kentucky Asylum for the Insane;" that at Lakeland, by the name of the "Central Kentucky Asylum for the Insane;" that at Hopkinsville, by the name of the "Western Kentucky Asylum for the Insane;" that at Danville, by the name of the "Kentucky School for Deaf Mutes;" that at Frankfort, by the name of the "Kentucky School for Feeble-minded Children;" that at Louisville, by the name of the "Kentucky School for the Education of the Blind," and by such name each of said institutions shall have perpetual succession; may sue and be sued, contract and be contracted with, have and use a common seal, receive any gift or devise in aid of the objects of the institution, and shall have all other rights and powers consistent with law and incident to corporations, and which are necessary and proper for carrying out the purposes for which it was established. The said institutions are severally invested with the title of the property and the rights of action now held by them respectively.

§ 2. The board of commissioners for each of said institutions shall be composed of nine discreet men, each residing in the county in which is located the institution for which he is commissioner. The commissioners shall be appointed by the Governor by and with the advice and consent of the Senate, and he shall fill vacancies that happen in the recess of the Senate by granting commissions, which shall expire at the end of its next session. The term of office of each commissioner shall be six

years, and until his successor is appointed and qualified, and they shall remain divided into three classes, as at present constituted, the successors of each class, as their respective terms expire, to be appointed as herein provided ; and each commissioner, before entering upon the duties of his office, shall take an oath to faithfully discharge the duties thereof.

§ 3. The commissioners shall elect one of their number president of the board. A majority shall constitute a quorum, but a concurrence of a majority of all the board shall be necessary for the allowance of any claim or the transaction of any other business ; and such proceedings shall not then be binding until the record thereof shall have been approved and signed by the president and countersigned by the secretary. They shall have the general management and control of all the land, buildings, funds, books, papers and other effects and property of their respective institutions, and shall cause them to be used and applied in the way best calculated, in their judgment, to promote the objects for which the institution was established. They shall cause all State appropriations to be used as directed by law, and all private donations and grants to be sacredly applied to the purposes specified by the donors or grantors ; but the State reserves full control over the institutions, their officers and affairs. They may make such by-laws and regulations, not inconsistent with law, as they deem necessary for the government of the institution and of all officers and employes connected therewith.

§ 4. The secretary or treasurer shall not be a member of the board of commissioners, and no commissioner or other officer shall sell any thing to the institutions or make with them any contracts in which he is directly or indirectly interested, nor shall the office of secretary and treasurer be held by the same person.

§ 5. They shall keep a record of all their proceedings, which, together with the books of the secretary, treasurer, steward and other officers, and all books and papers of the institution, shall always be open to the inspection of the superintendent, any commissioner, the Governor, a committee of the Legislature, or any person appointed by either the Governor or the Legislature for their examination. They shall require the superintendent, assistant physicians, steward, receiver, treasurer, secretary and matron to each take an oath, in the presence of the board, to well and truly discharge the duties of their respective offices, and the fact that such oath has been administered shall be entered on their records.

§ 6. The superintendent and board of commissioners of each institution shall, on the first of November in each year, make a report to the Governor of the condition of the institution under their charge, exhibiting the amount of income and expenditures, and from what source the income was received, and for what the expenditures were made, the number and names of the in-

mates or pupils, and where each came from, the number received and discharged, or that left during the year, with such other facts and suggestions as they deem important; which report the Governor shall communicate to the Legislature at its next regular session.

§ 7. The president of each board of commissioners and the superintendent of each institution shall, every three months, jointly certify under oath to the Auditor of Public Accounts the number of inmates or pupils actually supported by the institution, specifying the number who do not pay any thing, the number who pay in full, and the number who pay in part, and the amount so paid, as well as the amount of any unexpended balance of the State appropriation over and above the debts and liabilities then existing against the institution; and thereupon the Auditor shall draw his warrant on the State Treasury in behalf of such institution for the amount allowed by law for the support of each non-paying inmate or pupil, and for so much in addition as will, when added to the sum paid by those partially dependent on the charity of the State, be equal to the amount allowed for each non-paying inmate or pupil. Out of the annual appropriation made the board of commissioners shall pay for all repairs to and expenses of the institution, and the salary and wages of all officers and employes. And they shall incur no liability on behalf of the State, for any purpose, beyond the amount received from the Treasury, and from pay inmates or pupils.

§ 8. The board of commissioners of each institution shall keep the buildings and furniture of the institution constantly insured, and the amount of premiums on such insurance shall be certified to the auditor by the superintendent and president of the board of commissioners, and thereupon the auditor shall draw his warrant for the amount upon the State Treasurer, payable to the superintendent.

§ 9. The superintendents shall examine all claims and accounts against their respective institutions, and report any fact or circumstances indicating any irregularity, fraud or wrong to the board of commissioners; and if they have any doubt of the justice or legality of any claim, they may require both the superintendent and the steward to indorse their opinions, in writing, on the back thereof; and it shall be the duty of said officers to indorse any claim when required by the board to do so; and the board of commissioners shall not direct any claim, or part thereof, to be paid until they are satisfied, from such investigation as may be necessary, that the same is just, legal and right; and no claim of any kind shall be paid, in whole or in part, whether presented by an officer of the institution or other person, until it shall have first been examined and indorsed by the superintendent, and submitted to the board of commissioners, and determined by them to be just and right, and directed to be entered on the record of its proceedings; and the presi-

dent shall not issue any warrant on the Treasurer, except for the amount of claims which have been so submitted to the board, allowed by it, and ordered to be paid.

§ 10. Whenever the president shall issue a warrant, he shall cause the number, date and amount thereof, and the name of the person in whose favor it is made, to be entered by the secretary in a separate book kept for that purpose; and whenever he shall receive any money for the use of the institution, he shall cause the same to be entered by the secretary in said separate book, but in a different part of it, stating the amount of money, and when and from whom received, and thereupon he shall deposit said money and other means (of whatever character they may be) with the Treasurer, and take his receipt therefor, and preserve it as a voucher.

§ 11. The treasurer of each institution, before acting as such, or receiving any funds of the institution, shall execute covenant to the Commonwealth in the sum of thirty thousand dollars, with sufficient sureties, approved by the board of commissioners and by the respective county judges of the county in which the institution is situated, for the safe-keeping and proper disbursement and appropriations of all money and other means and effects which may come to his hands as such, and for the faithful discharge of all other duties devolved upon him. These covenants shall be renewed once in every year, and oftener if required by the board. Suit for any breach thereof may be brought in the name of the Commonwealth for the use of the institution, or of any other person interested, upon order of the board of commissioners.

§ 12. The treasurer, under order of the board of commissioners, shall receive from the Treasurer of the State all moneys appropriated for the use of the institution, and receipt to him therefor. It shall be his duty to receive, collect, sue for, and pay out all moneys due and belonging to the institution. He shall make to the Governor and the board quarterly, under oath, a report of the financial condition of the institution, including a detailed statement of the income and expenditures for the quarter, and shall keep true and complete books of account of all his financial transactions incident to the management of the institution, specifying from what source all money is received and for what purpose expended, and shall, in December of each year, settle his accounts with the Auditor, and file the receipt of the Auditor with the board of commissioners at its next meeting.

§ 13. He shall keep all the money coming to his hands as Treasurer to his credit as such in one of the banks incorporated by the laws of this Commonwealth, or incorporated by the laws of the United States and located in this Commonwealth. It shall be unlawful for him to appropriate any part of it to his own use, or to lend any of it to any other person, or to pay out or disburse any of it, whether in liquidation, in whole or in part,

of any claim against the institution, or for any other object whatever, except upon the warrant of the president, countersigned by the secretary, or to check or draw any of it out of bank, except for the payment of such warrants after they have been drawn; and for any violations of these prohibition, he and his sureties shall be liable on his official bond for the amount of the sum so unlawfully appropriated, lent, paid, disbursed, checked or drawn out, with ten per cent. damages.

§ 14. The steward of each institution, by direction of the superintendent, shall purchase and furnish to the institution all needed supplies of every description, and shall consult him as to the character, quantity and quality of all such supplies. They shall be bought where they can be bought cheapest, due regard being paid to quality as well as price. He shall not draw on the treasurer for money to pay for such supplies, in whole or in part, but shall cause itemized accounts of the same to be made, in the name of the sellers, against the institution, setting forth separately the date of purchase and the name and price of each article purchased, and shall present the accounts, indorsed by the superintendent, to the board of commissioners for allowance; and he shall carefully enter in a book kept for the purpose the number, dates and amounts of the warrants issued by the president for payment of the accounts for supplies purchased by him, and the names of the persons in whose favor they are made.

§ 15. He shall have charge of the farm and garden attached to the institution, and shall have and control the cultivation and management of the same, subject to the regulation of the board of commissioners. Within the first week after entering upon his duties he shall take and file with the commissioners a complete inventory of all the crops on hand, live stock, farming utensils, vehicles, and all other effects properly pertaining to the farm and garden, and shall preserve and be responsible for these and for all subsequent products of the farm and garden, and all other stock and effects that may come into his charge in the management thereof, and none of them shall be taken therefrom without the knowledge and consent of the superintendent.

§ 16. It shall be his duty to furnish for the institution such supplies from the farm and garden as can be provided therefrom, and to present monthly to the secretary written statements of the kinds, amounts and market value of the supplies so furnished, verified by certificates from the officers through whose hands they have passed. These statements shall be entered in the books of the secretary and steward, and filed and kept by the latter as vouchers. No stock or produce of the farm or garden shall be sold by the steward without authority from the board of commissioners; and when sales are made, he shall pay and deliver the proceeds to the treasurer, and take his receipt therefor, specifying what was sold, to whom, and for what price. These receipts shall be recorded in the books of the secretary

and steward, and filed and kept by the latter in his office as vouchers.

§ 17. It shall be the duty of the steward to keep a complete record of all his official acts, and to report them to the superintendent monthly, together with a statement of the condition of the farm and garden, and the number, character and condition of the stock under his care and control. He shall annually, during the month of November, make and render to the board of commissioners a true and perfect inventory, verified by oath, of all the personal property of every description belonging to the institution, with the estimated value of the various articles. Each steward shall make out his monthly report to the superintendent according to the following form, and shall, in addition thereto, report such facts as may be necessary and proper, and which are not covered by the form :

Statement of Steward, showing, under appropriate heads, the expenses of _____ for the month of _____, one thousand eight hundred and ninety _____.

Pay-roll	{ Salaries	.....
	{ Wages	.....
Breadstuffs		.....
Building and repairs		.....
Books, stationery and printing		.....
Board refunded		.....
Clothing		.....
Drugs and medicines		.....
Dry goods		.....
Expenses on live stock		.....
Fruits and vegetables		.....
Fuel		.....
Furniture, household and kitchen		.....
Freight and express on general merchandise and supplies		.....
Funeral expenses		.....
Farm expenses		.....
Garden expenses		.....
Groceries		.....
Ice		.....
Insurance		.....
Lights		.....
Laundry		.....
Labor, not included in pay-roll		.....
Milk		.....
Meats, including fowls, fish and game		.....
Postage, telegraph and telephone		.....
Spirituous liquors		.....
Soap		.....
Seeds		.....

Traveling expenses		
Vehicles, tools and implements for farm and garden		
Amusements		
Total expenses for which warrants are issued		
Products of farm and garden for which no warrants are issued		
Grand total		

_____, Steward.

§ 18. Before entering on the duties of his office he shall execute a covenant to the Commonwealth, with good sureties, worth \$4,000, to be approved by the board of commissioners, for the faithful discharge of his duties, which covenant shall be filed with and preserved by the secretary, and renewed annually.

§ 19. The commissioners, and all officers and servants of each institution, shall be exempt from militia duty, from working on the public highway, and from serving on any jury. Nor shall the officers and servants be required to give personal attendance as witnesses, in any civil suit out of the county in which the institution is situated, but their depositions shall be taken in lieu thereof.

§ 20. It shall be the duty of the Governor, whenever, in his opinion, the interest of the Commonwealth demands it, to appoint a special auditor to inspect the books and accounts of either institution, and report its true financial condition and management as respects receipts and disbursements, and the propriety thereof.

ARTICLE II. ASYLUMS FOR THE INSANE.

§ 1. There shall be for each asylum a medical superintendent and a first and second assistant physician, each of whom shall be a skillful physician, and a steward. These officers shall reside in the asylum. They shall be appointed by the Governor, by and with the advice and consent of the Senate: and he may fill vacancies that happen during the recess of the Senate by granting commissions that shall expire at the end of its next session. Their term of office shall be four years; but they shall be subject to removal by the Governor as is provided by law.

§ 2. In case of the sickness or absence of the superintendent, his duties shall be discharged by the first assistant physician, and if he be absent or sick, then by the second assistant physician, if there be any.

§ 3. The salary of each superintendent shall be two thousand dollars per annum; the salary of each first assistant physician shall be twelve hundred and fifty dollars per annum; the salary

of each second assistant physician shall be one thousand dollars per annum ; the salary of each steward shall be eleven hundred dollars per annum ; the salary of each treasurer shall be not more than five hundred dollars per annum, and the salary of each receiver shall be not more than six hundred dollars per annum.

§ 4. The commissioners shall hold regular meetings at the asylum at least once in each month, and oftener if the interests of the institution shall require. Meetings may be called by the president or any two commissioners. They shall maintain a vigilant inspection of the asylum, for which purpose one of them shall visit it every week, two in each month, a majority in each quarter, and the whole board once in every six months, in the manner and at the times prescribed by the by-laws. The visiting commissioners shall note, in a book kept for the purpose, the date of each visit, the condition of the patients, and asylum as well, with such remarks as may be deemed necessary. Any commissioner who can not or will not comply with his duty as visitor for three months shall vacate his office, and the president shall report the same to the Governor, who shall fill the vacancy.

§ 5. They shall appoint a secretary and treasurer for the term of four years, and may remove them at their discretion, and fill their places with others.

§ 6. The medical superintendent shall have the general management, supervision and control of the asylum and patients, subject to the regulations of the board of commissioners, and shall devote his entire time thereto. He shall keep a register of all patients, showing their names, ages, residences, dates of reception and discharge or death, by whose authority received or discharged, and whether they are pay patients or paupers. He shall keep or cause to be kept by the assistant physician a "case book," in which shall be entered a history of the case of each patient received into the asylum as far as it is possible to make out such history from credible information, also the condition at the time of admission, together with a detailed statement of medical treatment ; and an "accident-book," in which shall be recorded a statement of all accidents or injuries, whether serious or slight, to any of the patients of said asylum, whether self-inflicted or occurring otherwise, together with a statement of the causes of such accidents or injuries ; and also the names, if any, of the persons who may have been witnesses thereof ; and a "restraint record," which shall show the name of each patient within said asylum subject to the restraint by belts, gloves, muffs, camisoles, cribs, or other mechanical restraints, including seclusion and chemical restraints, to allay excitement ; also the character of said restraint, when and how long employed in each case, by whose authority, and also the reasons for using the same. Mechanical restraint, should not be applied in any case

without the express direction and under the supervision of one of the physicians in charge of said asylum, nor shall restraining apparatus be kept upon the wards when not in use. Said restraint record shall also show the number of attendants on duty in each month, and whether the same was sufficient or more than sufficient for the protection and well-being of all patients in the asylum. Each of said books shall be laid before the commissioners of the asylum at all monthly meetings of the board, and shall be filed and kept among the records of the asylum.

§ 7. The superintendent shall also make monthly reports to the board of commissioners, showing the number of deaths occurring among the patients, the causes thereof, and the names of the deceased ; also a record showing all escapes, recoveries, and removals of patients.

§ 8. It shall be the duty of the superintendent to appoint a receiver, to be approved by the commissioners, who shall give bond, with good security, to be approved by and filed with the commissioners, for the faithful discharge of his duties, and whose duty it shall be to receive all goods and supplies of any and all kinds purchased for the use of the asylum ; take charge of them, see that they correspond with the bills accompanying them in character, quantity and quality ; weigh or measure the same, and distribute them to each and every department of the asylum as the superintendent may direct by written order ; and in a book kept for the purpose open an account with each and every department, charging therein cost price for all goods so received and distributed. This book shall be open at any and all times for the inspection of the superintendent and commissioner, the Governor, a committee of the Legislature, or any person appointed by either for the examination.

§ 9. The superintendent shall appoint all such other inferior officers and employes (not otherwise provided for) as he may deem necessary for the proper management of the institution, and he may remove any of them at pleasure, and fill their places with others.

§ 10. All pauper idiots, epileptics, and harmless incurable lunatics may be returned by the asylum in which they may be confined to the several counties from whence they were sent, and delivered into the custody of their friends, if any ; if not, then to the county judge, or if they be resident of and sent from the city of Louisville, then to the mayor of that city. who shall make suitable provision for their keeping out of the annual appropriation allowed for such persons ; and said asylums shall, as soon as may be, send each paying patient of the aforesaid class to the counties of their residence, or whence they came. The president of the board of commissioners and the superintendent and one other commissioner, to be from time to time appointed as necessity may arise, shall act as a commission to pass upon such cases as the superintendent may propose to send back ; they shall investigate each case carefully, and if

they all concur in the opinion that an inmate can be safely sent back, they shall order such patient returned to the county from whence he was sent; and shall deliver with him a certificate of the finding of the committee. If he is a pauper, he shall be delivered to the county judge or the mayor of Louisville, as the case may be; and if he is a pay patient, to his committee or friends. The court or person to whom such inmate is delivered shall take such steps to provide for him as are required by law.

§ 11. The cost of returning pay patients shall be paid by their committee or friends or relatives willing and able to pay, and the cost of returning pauper inmates and such pay inmates as the money can not be collected from the committees of, shall be paid by the Auditor upon the certificate of the superintendent.

§ 12. The capacity of each asylum shall be reported by the board of commissioners to the Governor, who shall in his discretion order patients to be transferred from one asylum to the other to prevent one from becoming more crowded than the other.

§ 13. Whenever the number of patients sent to either asylum is greater than can be properly accommodated, cared for in that institution, and there is at the time capacity for the reception and care of the patient at either of the others, it shall be the duty of the commissioners and superintendent of such other to receive as many of those rejected at the former, for want of room, as can be properly accommodated. When, upon application to the proper asylum, the patient is rejected for want of room, immediate application shall be made to another; and white and colored patients shall not be kept in the same buildings. The Governor is empowered and directed to take care that each of the asylums is kept full to its utmost capacity of such patients as are receivable by it, as long as any such patients in the State are unprovided for, and that each receives its due proportion of the patients in excess of the ordinary capacity of the asylum.

§ 14. No order shall be made by any court or officer for sending a pauper idiot to an asylum, nor shall such idiot be received therein unless the jury, by their verdict, on the inquest, shall find that he is so dangerous or uncontrollable that he can not be safely and properly kept by a committee within the county.

§ 15. The superintendents of the several asylums shall have the right and authority to permit the family or friends of patients, whose condition of mind and health is such as in the opinion of such superintendents may be taken care of and treated properly outside of an asylum, to be taken from the asylum, either permanently, or for such length of time as the superintendent may deem prudent.

§ 16. Under no circumstances shall it be permitted that, by the reception of pay patients from other States, the asylum be so crowded that any delay shall be incurred in the immediate reception of patients resident in this Commonwealth, either

paying or pauper ; and no private patient, who has not been found to be insane by regular inquest, shall be received into either asylum. Nor shall any patient be discharged as cured unless by the authority of the superintendent. Any cured patient who was committed to the asylum whilst in custody of the law upon a criminal charge shall be delivered to the keeper of the penitentiary, or to the jailer of the county whence he came, as the case may require. A cured pauper, before being discharged, shall have a good suit of clothes, and be furnished with money enough to pay his traveling expenses back to home, not exceeding twenty dollars.

§ 17. The commissioners may charge for board of paying patients the same as is allowed by the State for pauper patients ; and when the estate of the patient warrants it, his committee may contract for his receiving special comforts, and being exempt from work, at an additional rate, not exceeding five dollars per week.

§ 18. No patients, except those who are paupers according to the definition of "pauper" in this statute, or who have been or may be sent to the asylum by order of the court, upon an acquittal of crime on the ground of insanity, shall be received or retained in either of the lunatic asylums of this State, unless six months' board be always paid in advance, and board for the residue of the time they may remain in the asylum be secured by the obligation of one or more sufficient residents of this State ; and the courts or officers shall make their orders for the committal of all patients (with the above exceptions) to the asylums conditional upon such prepayment being made and security given. But if the patient be discharged or die before the expiration of the six months paid for, a proper proportion of the amount paid shall be refunded.

§ 19. No married person of unsound mind shall be held a pauper under the provisions of the statutes, unless it shall be found upon the inquest, in addition to the other facts required, that such person's husband or wife (as the case may be), if living, has not sufficient estate to support the person of unsound mind, besides supporting others who may be dependent upon such husband or wife ; and the court or officer holding the inquest shall require the jury to return a finding on this subject.

§ 20. Where patients, who have been or may be supported in either of said asylums, have or shall acquire estate which can be subjected to debt, the board of commissioners of such asylum is authorized and directed, in every such case, to sue for, in the name of the asylum, and recover the amount of such patient's board, at the rate of two hundred dollars per year, or so much thereof as such estate will suffice to pay for the time they shall have been respectively kept and maintained therein and not otherwise paid for, and by proper proceeding to subject their estates respectively to the payment thereof ; and when the husband, wife or parent of any such patient, who has

been or may be supported in either asylum, shall have estate sufficient for the support of such patient, in addition to the support of any others who may be dependent on such husband or parent, in like manner to sue and recover from such husband the amount of his wife's board, and from such parent the amount of his or her child's board, at the rate aforesaid, for the time they shall have been respectively supported by such asylum.

§ 21. The Auditor of Public Accounts shall prepare and furnish each superintendent proper blanks for reporting estates of non-paying inmates, which blanks, with the name of such inmate, shall be sent each year to the county judge of the county from which such inmate was sent; and it shall be the duty of said judge, once in each year, to ascertain and report to the superintendent the facts in regard to the estate of such inmate.

§ 22. The expenses of conveying pauper patients to the asylum shall be paid to the persons conveying them by warrant of the Auditor on the Treasurer of the State, the sum due for conveyance to be certified by the superintendent of the asylum to which the patient is carried. Only one person shall be paid out of the State Treasury for conveying any patient; if the court shall order as necessary an additional guard, his expenses shall be paid by the county, and the costs shall not exceed six cents per mile for the guard or guards and patient, each going, and six cents per mile for the guard returning, the distance to be estimated by the nearest usual route of travel. If the patient can not be received by the asylum, six cents per mile for his returning shall also be allowed; but no allowance for expenses of either guard or patient to or from the asylum shall be made unless either an application has been made, first, by letter to the superintendent, or an order of court made to carry the patient to the asylum immediately.

§ 23. If the necessities of the institution should demand the temporary employment of additional physicians, the board of commissioners may order the employment of not exceeding two, who may thereupon be appointed by the superintendent, by and with the advice and consent of the board. Their employment shall be subject to be terminated by the board when it thinks proper.

§ 24. Lunatics and idiots resident in Kentucky, and found in the counties of Kenton, Grant, Owen, Franklin, Anderson, Mercer, Boyle, Lincoln, Pulaski and Whitley, or any county east of these, when sent to an asylum, shall go to, and be received under the legal requirements by, the Eastern Kentucky Lunatic Asylum, if there be room therein. Those found in any county west of these, and east of the counties of Breckinridge, Grayson, Hart, Metcalfe and Monroe, shall be sent to, and in like manner be received by, the Central Kentucky Lunatic Asylum; and those found in the counties last named, and the residue of the State, shall be sent to, and in like manner be received by, the Western Kentucky Lunatic Asylum.

§ 25. Each superintendent, assistant physicians and steward shall be entitled to comfortable furnished quarters for themselves and their families at their respective asylums; and shall be entitled to take their meals in the asylum at the expense of the State; no commutation, however, shall be allowed in lieu of said meals and quarters, nor shall said officers be entitled to or receive, directly or indirectly, any other or further perquisites or compensation for their services; and any officer, employe or other person connected with any of said asylums, who shall use or authorize the use of any money or other thing of value for private purposes not authorized by law, shall be amenable to the punishments now provided for such offenses, and, in addition thereto, shall be reported by any person cognizant of the fact to the Governor, who shall remove, or cause to be removed, from the employment of the State, any person willfully guilty of said offense.

§ 26. The allowance to each patient, to be paid in the manner provided in article one of this chapter, shall be one hundred and forty dollars per year.

ARTICLE III. FRANKFORT ASYLUM FOR INSANE WOMEN.

§ 1. An act, entitled "An act to re-establish the Institution for the Education and Training of Feeble-minded Children," approved February 23, 1874, and all acts amendatory thereof, are hereby repealed. The commissioners of said institution are hereby continued in office until they perform the duties hereby enjoined upon them. They are directed to return and remove all pupils of said institution over twenty-one years of age, who have resided therein over five years, to the counties from which they were received; if the pupil has been supported by the State, he shall be delivered to the county judge or mayor of the city, as the case may be; and if he is a pay pupil, to his father, mother, guardian or friends. The cost of returning pay pupils shall be paid by the relatives or friends willing and able to pay, and the cost of returning those maintained by the State and such pay pupils as are not provided for by relatives or friends, shall be paid for by the Auditor of Public Accounts, upon the certificate of the president of said board, at the rate of not exceeding four cents per mile reckoning the distance by the usual route of travel to the home of the pupil. They are directed to surrender possession of, and deliver all property of every kind to the commissioners of the Frankfort Asylum for Insane Women, provided for in the next section, and to make all conveyances and execute all instruments of writing necessary to carry out the purposes and directions of this article.

§ 2. There is hereby created a body-politic and corporate, for the benefit of the State, under the corporate name of the

“Frankfort Asylum for Insane Women,” and by such name said institution shall have perpetual succession, may sue and be sued, contract and be contracted with, have and use a common seal, receive any gift or devise in aid of the objects of the institution, and shall have all other rights and powers consistent with law and incident to corporations, and which are necessary and proper for carrying out the purposes for which it was established. The Governor, by and with the advice and consent of the Senate, shall appoint, for said asylum, a board of commissioners, a superintendent, such assistant physicians as are necessary, and a steward, as provided in this chapter for the other asylums for the insane, and all the provisions relating thereto shall apply to and govern the management and control of said asylum. The superintendent and other officers shall have the same powers and perform the same duties, and shall receive the same salaries as those of the other asylums for the insane.

§ 3. Two hundred of the most harmless white females shall be taken from the other asylums and placed in this asylum, and as many more as it will accommodate, or may hereafter be made to accommodate. It shall be the duty of the superintendent to notify the superintendents of the other insane asylums, within ten days after his appointment, that said asylum is ready for the reception of patients; and it shall thereupon be the duty of each of said superintendents to transfer to said asylum a proper proportion of said number from the white female patients under his charge, the actual expense thereof to be paid by the Auditor of Public Accounts, upon the certificate of the superintendent of the “Frankfort Asylum for Insane Women.” If any patient shall become dangerous or violent, the superintendent may send such patient to the most convenient asylum having room.

§ 4. There shall be maintained in said asylum a department for the education and training of such feeble-minded children as may remain, or who may hereafter be received; and the board of commissioners shall be entitled to receive the same per capita for each of said children as is allowed for each patient in said asylum, and to be paid in the same manner, and also such sums as they may deem necessary to employ teachers and purchase books, not to exceed five thousand dollars per year, payable quarterly. The board of commissioners shall adopt such rules for the government of this department as they may deem proper, and shall supervise all of its interests, provide for all of its wants, and require reports monthly from the superintendent and teachers of the progress made in this department.

§ 5. The ages of children received into the institution shall not be less than eight nor more than eighteen years, and all feeble-minded children in the State between said years, whose mental condition is such that, in the judgment of the superintendent, that may be taught to read and write, or can be edu-

cated or trained to do work, may be admitted to the institution upon the inquest of a jury, who shall find the facts concerning such person as provided in cases of inquest of lunacy. A copy of the inquest shall be sent with the child to the superintendent. The superintendent, with the consent of the board of commissioners, shall return to the county judge of the county from which they are sent, after reasonable notice to him, all pupils that, in their opinion, further attempts to educate and train will not prove beneficial to the State, and shall, with his annual report to the Governor, state the fate concerning any child so returned; and it shall be the duty of the county judge to whom a child is returned to make such provision therefor as may be provided by law. If the parent, guardian, or person sending a child to the institution is able to do so, he shall pay the expense of sending as well as removing such child, and shall be notified that his removal is required. Should it at any time appear to the board that there is in the institution a proper subject, under the law, for a lunatic asylum, they shall, with the advice and consent of the superintendent and the approval of the Governor, order such person to be sent to one of the asylums, and the expense of transportation shall be paid as now provided by law for the transportation of lunatics.

§ 6. The transportation of children who are unable to pay for the same in going to or returning from the institution shall be paid by the Auditor upon the certificate of the superintendent, at a rate not to exceed six cents per mile by the nearest usual route of travel; but no such expense shall be allowed or paid except on the first reception and final discharge of the child.

§ 7. No child shall be kept or maintained in the institution after he has arrived at the age of twenty-one years, nor shall any child remain therein longer than five years.

§ 8. It shall be the duty of the superintendent to require of each parent, guardian or person sending a child to the institution, payment of whatever sum per annum he may be able to pay towards the support of such child, and he shall cause to be instituted action against such person for the recovery of the amount due for the support and maintenance upon the failure to pay the same from those who are able to give it; bond with good surety shall be required for the payment of the amount charged for support and maintenance. The amount to be paid by those who are able to pay shall be the same as that paid by the State for the support of indigent children.

ARTICLE IV. KENTUCKY SCHOOL FOR THE EDUCATION OF THE BLIND.

§ 1. The board of commissioners of this institution shall have power to appoint, employ a superintendent, matron, teachers, and all necessary agents and employes, and fix the compensation of each person employed, and may remove any person em-

ployed or appointed by them, and appoint another person in his place; may prescribe the course of education for the pupils in the institution, and rules for their government and discipline, and fix and regulate tuition fees and terms of admission of pupils from other States; but no charge shall be made for the admission of pupils from this State, nor shall pupils from other States be admitted in such numbers as to exclude any child in this State entitled to admission.

§ 2. The commissioners shall require from the superintendent annually a full and detailed statement of the condition of the institution, the names of and salary paid to each officer and employe; the number and names of all pupils, and the residence of each.

§ 3. The commissioners shall alone have the power to expel a pupil from the institution, and no officer or employe shall be permitted to inflict corporeal punishment upon any pupil.

§ 4. The commissioners shall meet at least once in each month, at any place in the city of Louisville designated in the by-laws, and oftener if necessary, to transact the business of the institution, and shall at least twice in each year visit the institution for the purpose of ascertaining and examining into its condition and management.

§ 5. All children of good health and sound mind, who are residents of the State, and between eight and twenty-one years of age, and whose vision is so defective as to prevent them from getting an education in the ordinary schools, shall be admitted into the institution and maintained and educated gratuitously. When more children seek admission than can be received and provided for, the commissioners shall so apportion the number of those so applying among the several counties of the State as to give to each county according to its population, as nearly as may be, an equal advantage.

§ 6. Colored children shall be received in the same manner and upon the same terms as white children, and shall be entitled to all the rights, benefits and privileges secured to white children, and shall be under the same general management; but shall be educated, boarded, maintained and provided for in separate buildings and apartments from those used and occupied by white children.

§ 7. To defray and pay the expenses of this institution there is appropriated annually the sum of thirteen thousand seven hundred dollars, and the further sum of one hundred and forty dollars for each pupil, to be paid in the manner, under the restrictions, and at the times provided in article one of this chapter.

ARTICLE V. KENTUCKY SCHOOL FOR DEAF MUTES.

§ 1. The commissioners of this institution shall have power to appoint a superintendent, matron, teachers, and all necessary

agents and employes, and fix the compensation of each person employed ; and they may remove any person employed or appointed, and appoint another person in his place ; may prescribe the course of education for the pupils in the institution, and rules for their government and discipline, and fix and regulate tuition fees and terms of admission of pupils from other States ; but no charge shall be made for the admission of indigent pupils from this State ; nor shall pupils from other States be admitted in such numbers as to exclude any pupils resident of this State from admission ; nor shall any person who is a charge upon the State be permitted to remain in said institution as a pupil for a longer period than eight years.

§ 2. The commissioners shall require from the superintendent, annually, a full and detailed statement of the condition of the institution ; the names of and salary paid to each officer and employe ; the number and names of all pupils, and the residence of each ; the number of pay pupils, and amount paid by each, and a full and detailed statement of all receipts and expenditures for the preceding year, and such other information as they may deem proper or necessary.

§ 3. The commissioners shall meet at least once in each month at some place convenient to or in the institution, and designated in the by-laws, and oftener if necessary, to transact the business of the institution, and shall at least twice in each year visit the institution for the purpose of ascertaining and examining into its condition and management.

§ 4. All deaf mutes of good health and sound mind, who are residents of this State, and between the ages of eight and twenty years, shall be admitted into the institution and maintained and educated gratuitously if unable to pay any thing ; when more children seek admission than can be received and provided for, the commissioner shall so apportion the number of those applying among the several counties of the State as to give to each county according to its population an equal advantage as nearly as may be, and no pupil shall be permitted to remain in the institution longer than eight years.

§ 5. Colored deaf mutes shall be received in the same manner, and upon the same terms and conditions, as white children, and shall be entitled to all the rights, benefits and privileges secured to white children, and shall be under the same general management ; but shall be educated, boarded, maintained and provided for in separate buildings and apartments from those used and occupied by white children.

§ 6. To defray and pay the expenses of this institution, there is appropriated annually the sum of thirteen thousand seven hundred dollars, and the further sum of one hundred and forty dollars for each pupil, to be paid in the manner, under the restrictions and at the times provided in article one of this chapter.

§ 7. The transportation of children who are unable to pay for the same in going or returning from the institution shall be paid

by the Auditor, upon the certificate of the superintendent, a sum not to exceed six cents per mile, by the nearest usual route of travel ; but no such expense shall be allowed or paid except on the first reception and final discharge of the child.

Said amendments were read as follows and adopted :

1. Amend article 1, section 1, line 12, by inserting after "Kentucky Institution for" the words "Education and Training."

2. Amend line 13, section 1, by striking out "Kentucky Institution for Feeble-minded Children," and insert in lieu thereof "Frankfort Asylum for Insane Women."

3. Amend by inserting in line 14 of section 1, after "Education" the words "and Training."

4. Amend article 1, section 8, line 6, by striking out "superintendent," and in lieu of it insert "treasurer."

5. Amend article 1, section 7, by adding at end of the section : "The Auditor shall estimate any unexpended balance reported by the president and the superintendent of each institution as a part of its next quarterly allowance, and draw his warrant only for a sum sufficient, with said balance, to make complete the sum allowed by law for each quarter."

6. Amend article 2, section 1, line 2, after the word "physician," by inserting "except in the Frankfort Asylum for Insane Women, as is elsewhere provided."

7. Amend section 9, article 2, line 1, after the word "appoint," by adding "with the consent and advice of a majority of the commissioners."

8. Amend section 21, article 2, by adding at the end of section the following : "Should the county judge fail or refuse to fill out and return such blanks to the superintendent in a reasonable time, he shall be fined not less than \$25 or more than \$100 for each month after the first month he shall fail or refuse to return them."

9. Amend section 25, article 2, by striking out lines 1, 2, 3 and 4, down to the word "no," in line 4, and insert the following in lieu thereof : "That, in addition to the pay now allowed, each superintendent and steward shall be entitled to comfortably furnished quarters for themselves and their families, at or convenient to their respective asylums, and the assistant physicians and matrons each with a comfortably furnished room, and each superintendent and his family and the other said officers, shall be entitled to take their meals in the institution at the expense of the State."

10. Amend article 3, section 3, line 3, by adding after the word "the" the words "duty of the."

11. Amend article 4, section 7, by striking out of line 2 the

word "thirteen" and inserting in lieu thereof the word "seven." Strike out "seven" and insert "five."

12. Amend by adding as section 1, article 4, the following: "A superintendent for this institution shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of four years, or until his successor is appointed and qualified, unless sooner removed by the Governor, who may fill vacancies arising from any cause during the recess of the Senate by granting commission that shall expire at end of next session."

13. Amend article 4, section 1, by striking out "superintendent," in line 2.

14. Amend all of article 4 by renumbering the sections.

15. Amend by adding as section 1, article 5, the following: "A superintendent for this institution shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of four years, or until his successor is appointed and qualified, unless sooner removed by the Governor, who may fill vacancies arising from any cause during the recess of the Senate by granting commission that shall expire at the end of the next session."

16. Amend article 5, section 1, by striking out of line 2, "superintendent."

17. Amend article 5 by renumbering the sections.

18. Amend article 5, section 6, by striking out in line 2 the word "thirteen" and inserting in lieu thereof the word "ten," and in same line strike out the words "seven hundred."

Mr. Walton moved to amend said bill by adding after the word "the," in line 3, section 3, article 3, the words "duty of the."

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed as amended.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. C. Glenn,	J. P. O'Meara,
W. W. Ayres,	Geo. T. Halbert,	W. F. Peak,
W. S. Bailey,	Thos. H. Hanks,	Thos. S. Pettit,
Posey D. Ball,	U. G. Harlow,	Granville Philpot,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
P. S. Bruner,	R. K. Hart,	A. T. Pullen,
A. J. Carroll,	P. R. Hays,	C. D. Reed,

B. E. Caudill,	B. B. Hensley,	D. H. Severs,
R. F. Comer,	W. J. Hissem,	S. H. Shouse,
L. J. Cox,	F. W. Hutcheson,	Fenton Sims,
J. S. Cullen,	Daniel James,	C. C. Spalding,
J. M. Dawson, Jr.,	J. S. Joplin,	W. R. Stewart,
James R. Dean,	R. M. Kincheloe,	J. R. Summers,
D. B. Edmiston,	John M. Letterle,	D. W. Tribble,
McD. Ferguson,	C. W. Mathers,	N. S. Walton,
John Finn,	W. H. May,	J. H. Welch,
George Will. Follis,	Hiram McElroy,	Geo. E. Willett,
J. M. Frazee,	M. D. McInerney,	John D. Woods—56.
Ben. F. Gardner,	Eli Nicholls,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Carroll moved to reconsider the vote by which said bill was passed.

Said motion was rejected.

The House took from the orders of the day H. B. 578, entitled
A bill to amend an act for the government of cities of the fifth class.

Said bill was read the second time.

The House took from the orders of the day H. B. 502, entitled
A bill to authorize the county courts to maintain abandoned turnpike roads in this Commonwealth.

The Senate having refused to recede from its amendment to said bill, the question being taken on concurring in said amendment, it was decided in the affirmative.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed.

[*See Bill in House Journal June 3, 1893.*]

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Wm. Garrison,	Thos. S. Pettit,
W. W. Ayres,	Geo. T. Halbert,	Granville Philpot,

W. S. Bailey,	Thos. H. Hanks,	E. M. Pryse,
Posey D. Ball,	U. G. Harlow,	A. T. Pullen,
B. T. Birkhead,	A. L. Harned,	I. M. Quigley,
John Botts,	R. K. Hart,	D. H. Severs,
P. S. Bruner,	W. J. Hissem,	Fenton Sims,
A. J. Carroll,	Daniel James,	C. C. Spalding,
R. F. Comer,	J. S. Joplin,	W. W. Stephenson,
L. J. Cox,	T. S. Kirk,	W. R. Stewart,
W. J. Cox,	John M. Letterle,	J. R. Summers,
J. S. Cullen,	C. W. Mathers,	D. W. Tribble,
J. M. Dawson, Jr.,	W. H. May,	N. S. Walton,
James R. Dean,	Hiram McElroy,	J. H. Welch,
D. B. Edmiston,	M. D. McInerney,	H. P. Whitaker,
McD. Ferguson,	Harvey Myers,	Geo. E. Willett,
John Finn,	Eli Nicholls,	R. B. Wilson,
George Will. Follis,	W. F. Peak,	John D. Woods—54.

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the House adjourned.

THURSDAY, JUNE 29, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz:

Mr. Speaker (Moore),	J. M. Frazee,	J. P. O'Meara,
Lewis Alexander, Sr.,	Wm. Garrison,	W. F. Peak,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	Geo. T. Halbert,	Granville Philpot,
Posey D. Ball,	Thos. H. Hanks,	E. M. Pryse,
John T. Bashaw,	U. G. Harlow,	A. T. Pullen,
W. P. Beard,	R. K. Hart,	C. D. Reed,
B. T. Birkhead,	P. R. Hays,	D. H. Severs,
John Botts,	B. B. Hensley,	S. H. Shouse,

P. S. Bruner,	W. J. Hissem,	C. C. Spalding,
B. E. Caudill,	F. W. Hutcheson,	W. W. Stephenson,
L. J. Cox,	Daniel James,	W. R. Stewart,
Will J. Cox,	J. S. Joplin,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,
J. M. Dawson, Jr.,	T. S. Kirk,	John M. Tinsley,
James R. Dean,	C. W. Mathers,	N. S. Walton,
D. B. Edmiston,	W. H. May,	Geo. E. Willett,
McD. Ferguson,	Hiram McElroy,	John D. Woods—56.
John Finn,	Eli Nicholls,	

The following members were absent, viz :

T. J. Arnett,	S. M. Gough,	J. A. Perkins,
John Bartman,	A. L. Harned,	J. F. Porter,
R. F. Bass,	H. K. Hay,	I. M. Quigley,
B. F. Bennett,	Berry Howard,	R. E. Roberts,
Polk Cansler,	W. W. Johnson,	John Ryan,
A. J. Carroll,	Henry Kremer,	Waller Sharp,
A. H. Charlton,	William Krieger,	Fenton Sims,
F. P. Combest,	Lewis Y. Leavell,	Samuel O. Tate,
R. F. Comer,	John M. Letterle,	Lewis E. Thomas,
Wesley Crow,	H. P. Lively,	D. W. Tribble,
E. M. Dickson,	John S. May,	J. H. Welch,
J. E. Durham,	M. D. McInerney,	H. P. Whitaker,
George Will. Follis,	Harvey Myers,	B. F. Willett,
Ben. F. Gardner,	W. F. Neat,	R. B. Wilson—44.
J. P. Gay,	John Lee Payne,	

The Journal of yesterday was approved.

The Speaker laid before the House the following communication from Hon. W. H. Dulaney, viz :

KENTUCKY STATE BUILDING,
JACKSON PARK,
CHICAGO, ILL., June 26, 1893. }

To the HON. W. M. MOORE, Speaker of the House of Representatives, Frankfort, Ky.:

DEAR SIR—In compliance with a resolution, adopted by your honorable body June 19, 1893, I herewith inclose an itemized statement of all receipts and expenditures, from the organization of the Kentucky Board of Managers of the World's Columbian Exposition, January 25, 1893, up to this date. In order that the tax-payers who are not so familiar with the law by which this board was created as the law-makers themselves,

I will state that there is filed with the Governor an itemized account of the receipts and expenditures of this board each sixty days, and that the last statement to the Executive, the fifteenth of June, 1893, doubtless was on file in his office at the time the House resolution of June 19th was passed. The board, as constituted by the act approved January 19, 1893, and a subsequent amendment, is composed of seven members, five of whom are allowed their actual and necessary traveling expenses, and five dollars for each day while necessarily engaged in the discharge of the duties imposed, but no member of said board can receive more than \$1,200 for his services up to the close of the Exposition or the end of the year 1893. The amount already paid each member of the board up to this date is fully set forth in the statement herewith submitted. Under the act the board appointed an executive committee of three women, whose *per diem* shall not exceed \$1,000 each for their entire services and traveling expenses. The amount paid each is also set forth in the itemized statement. The salaries of the employees are as follows, per month:

M. H. Crump, Department Mines and Forestry	\$150 00
B. C. Dulaney, Assistant Secretary and Stenographer	100 00
Geo. L. Willis, Superintendent	75 00
C. K. James, post-office and check clerk	50 00
W. R. Vaughn, watchman	55 00
Wm. Jackson, janitor	40 00
Polly Jackson, janitress	32 00

There has been no disposition on the part of this board to withhold any necessary means to secure the very best display of the resources and industries of the State, and in every department where a specific amount was set aside there yet remains a surplus; and if you ask why the exhibit is not more complete, the answer is the delay in making the appropriation. The first money we could draw from the Treasury was January 27, 1893, and the Fair opening on May 1st, left us but ninety days to collect and install our exhibit, while some of the States have had twenty-four months for their work. The sum of \$1,200 has been retained to secure the fulfillment of the contract on the building, and there are outstanding accounts unaudited, amounting to about \$500. The report shows, exclusive of the

above, an expenditure of \$52,664.39, with a balance, including interest allowed us on daily balances, of \$47,522.68 in the Bank of Kentucky, and of \$64.97 in the Continental National Bank of Chicago. All of which is respectfully submitted.

W. H. DULANEY, *President.*

OFFICE KENTUCKY BOARD MANAGERS
WORLD'S COLUMBIAN EXPOSITION,
JACKSON PARK, June 26, 1893. }

ITEMIZED STATEMENT OF MONEYS EXPENDED TO DATE.

1893.		
Jan.	28.	J. B. Hoeing, work on relief map. \$109 00
Feb.	7.	M. H. Crump, Department Mines and Forestry 136 91
"	7.	Maud Kirkman, Department Education 55 00
"	8.	Maury & Dodd, premium on design. 200 00
"	9.	I. E. Symmes, per voucher. 55 00
"	9.	Petty office expenses, per statement attached 30 67
"	11.	Julia Higbee, stenographer. 85 00
"	13.	J. P. Morton & Co., for stationery 4 80
"	15.	A. D. James, per voucher 72 86
"	15.	W. M. Samuels, Department Horticulture. 18 05
"	20.	Courier-Journal Company, for stationery 22 50
"	20.	Louisville Lithograph Company, for stationery 17 50
"	20.	Moore & McAtee, insurance on building 500 00
Mch.	2.	A. D. James, per voucher 205 60
"	2.	J. D. Black, per voucher. 242 29
"	2.	Sue P. Brown, per voucher. 158 15
"	2.	I. E. Symmes, per voucher. 151 89
"	2.	Maud Kirkman, per voucher 149 71
"	2.	J. W. Yerkes, per voucher 161 95
"	2.	W. H. Dulaney, per voucher. 216 05
"	2.	J. D. Clardy, per voucher 252 99
"	3.	B. C. Dulaney, Assistant Secretary, January 24 to Feb'y 1 120 00
"	3.	Stenographer, salary to February 15 25 00
"	4.	B. C. Dulaney, business trip to Chicago 22 50
"	4.	Petty office expenses, as per statement attached 27 66
"	4.	Probst Construction Company, part payment for building house. 3,878 40
"	6.	Lucy L. Hill, part payment on voucher for February 50 00
"	7.	M. H. Crump, Mines and Forestry for January 44 00
"	7.	M. H. Crump, Mines and Forestry for February 229 98
"	9.	W. M. Samuels, Department Horticulture. 142 70
"	10.	Fairbanks Company, for postage scales 4 50
"	10.	Louisville Press Company, for advertising. 5 00

	10.	Maury & Dodd, architects, part payment for services	3300 00
	14.	Lucy L. Hill, balance due on February voucher	69 42
	20.	Telephone Company for February	6 00
	22.	Capital Printing Company, for printing	26 25
	25.	Arthur Reynolds, work in Forestry Department	25 00
April	1.	Stenographer, salary for March	50 00
	1.	B. C. Dulaney, Assistant Secretary, salary for March	100 00
April	1.	Petty office expenses, as per statement attached	\$40 18
	1.	Office rent from January 25 to April 1	70 00
	1.	Courier-Journal Printing Company, for stationery	5 50
	1.	Courier-Journal Printing Company, for stationery	17 50
	5.	Probst Construction Company, part payment	7,500 00
	5.	E. Porter Thompson, for express on educational exhibit.	39 20
	5.	E. Porter Thompson, for collecting, etc.; educational exhibit.	258 63
	7.	Amount allowed Kentucky Printing House for the Blind	250 00
	7.	Freight charges on mineral exhibit	61 33
	12.	J. W. Yerkes, voucher for March	134 56
	12.	W. H. Dulaney, voucher for March	158 85
	12.	A. D. James, voucher for March	277 25
	12.	J. D. Clardy, voucher for March	253 41
	12.	Sue P. Brown, voucher for March	66 05
	12.	Lucy L. Hill, voucher for March	76 17
	12.	Maud Kirkman, voucher for March	108 50
	12.	I. E. Synmes, voucher for March	72 00
	12.	J. D. Black, voucher for March	188 85
	12.	Telephone company, for March	6 65
	12.	Maury & Dodd, architects, part payment	300 00
	13.	Louisville and Nashville Railroad, for freight charges	65 20
	13.	C. G. Schell, for work in Agricultural Department	50 00
	13.	Forbes & Brother, for work in Agricultural Department	152 25
	13.	H. Garman, Department Agriculture	250 00
	13.	L. St. L. R. R., for freight charges	99 14
	16.	W. M. Samuels, Department Horticulture	28 25
	17.	Freight charges on exhibit to State building	2 30
	17.	Freight charges on exhibit to State building	1 50
	17.	Freight charges on mineral exhibit	16 58
	17.	Freight charges on Educational Department.	20 95
	17.	A. D. James, part payment March voucher	50 00
	18.	Danville Deaf and Dumb Institute	150 00
	18.	Plumbing fixtures for State building	309 19
	18.	F. H. Bagby, mineral exhibit from Frankfort	136 55
	18.	Louisville Free Kindergarten.	100 00
	19.	Louisville and Nashville Railroad, for freight charges.	113 01
	19.	Louisville Public Warehouse Company, for freight	11 09
	19.	Pennsylvania Railroad, for freight	1 00
	19.	Rumble & Company, for work in Educational Department	35 70
	19.	Wool cases.	63 45

	20.	Freight on Frankfort mineral exhibit	\$106 08
	20.	Jno. D. Clardy, for pavilion, etc., work in agricultural exhibit	300 00
	24.	M. H. Crump, Department Mines and Forestry	249 23
	24.	G. N. Jesse, Department Agriculture	60 20
	24.	T. J. Miller, work in Mineral Department.	295 00
	25.	Freight charges on Glasgow exhibit	1 35
April	26.	Frames for Educational Department	\$20 00
	25.	Capital Printing Company for printing	37 75
	25.	J. T. Orr, for work in Educational Department	5 92
	25.	J. P. Morton & Co., for stationery	11 30
	25.	J. V. Escott & Sons, for packing educational exhibit	5 00
	25.	Courier-Journal Company for advertising	6 00
	25.	Photos for Educational Department.	9 10
	25.	Chas. Hendrie, getting out timber	19 25
	25.	Chas. Hendrie, freight on same	19 60
	25.	Stanley & Brice, work on mineral exhibit	250 00
	25.	Freight charges on mineral exhibit	26 40
	26.	J. V. Escott & Sons, for packing pictures	1 45
	27.	C. J. Klein, Agent for freight charges.	36 70
	28.	E. E. Howell, for relief map	1,028 00
	28.	I. E. Symmes, voucher for April	62 45
	28.	Stenographer, salary for April	50 00
May	4.	Janitor to May 4th	7 65
	4.	Louisville & Nashville Railroad, for freight	24 26
	4.	Milward & Company, for packing Lexington exhibit	15 45
	4.	J. W. Bowser, books by Kentucky authors.	2 25
	4.	Woodward & Company, books by Kentucky authors	15 00
	4.	Louisville and Nashville Railroad, for freight	4 71
	5.	B. C. Dulaney, Assistant Secretary, salary for April	100 00
	5.	Petty office expenses, per statement attached.	55 38
	5.	A. D. James, per voucher	50 00
	5.	Partitions in Educational Department.	290 00
	5.	Clayton & Company, lumber for agricultural pavilion	850 00
	5.	Office rent for April.	30 00
	5.	W. M. Samuels, Horticultural Department.	49 90
	5.	Southern Engineering Company, electrical work, part payment	700 00
	6.	J. D. Black, voucher for April	130 69
	6.	M. H. Crump, Mines and Forestry Department	316 50
	6.	Drach & Thomas, drawings, etc., for agricultural pavilion	50 00
	8.	Enid Yandell, pedestal for Boone statue.	150 00
	8.	Louisville and Nashville Railroad for freight	37 37
	8.	C. G. Schell, for work on agricultural pavilion	200 00
	8.	J. D. Clardy, voucher for April.	370 35
	8.	A. D. James, to pay sundry bills	19 71
	8.	A. D. James, voucher for April.	93 50

	8.	Maud Kirkman, voucher for April	\$111 70
	10.	Sue P. Brown, voucher for April	57 00
	10.	J. P. Morton & Company, for stationery.	5 45
	12.	Bensinger & Sons, for freight on furniture.	9 42
	12.	Bensinger & Sons, for furniture.	75 50
	12.	Telephone company, for April	6 15
	12.	Telephone company, to May 15th.	3 35
May	13.	J. V. Escott & Sons, for packing pictures	144 26
	13.	Keisker & Son, for furniture	546 47
	13.	Southern Engineering Company, for electrical work	300 00
	13.	Courier-Journal Company, for rent for May less price paid. .	10 00
	13.	Lewis & Co, for rugs, etc.	465 60
	17.	John D. Clardy, for pavilion, etc., in Agricultural Department,	400 00
	22.	Illinois Central Railroad, for freight	5 94
	22.	Babcock Company, for fire extinguishers	125 00
	22.	Harry Smith, for work in Mineral Department.	15 00
	26.	Marshall, Field & Company, for window shades, etc.	49 95
	26.	Cash paid for petty expenses, as per exhibit K.	115 32
	26.	A. D. James, voucher for May, part payment	30 00
	26.	Painting signs	12 00
	29.	A. D. James, to pay sundry bills	26 31
	30.	W. H. Dulaney, April voucher, ...	196 66
	31.	B. C. Dulaney, Assistant Secretary, salary for April	100 00
	31.	Flag and flag-pole	17 15
	31.	I. E. Symmes, to pay sundry bills.	17 06
	31.	Garbage sacks.	2 00
	31.	A. D. James, May voucher.	220 05
	31.	A. D. James, to pay sundry bills	116 80
	31.	Maud Kirkman, May voucher	80 71
	31.	Maud Kirkman, salary for May	55 00
	31.	Ballard Thurston, freight charges on coal exhibit.	23 52
	31.	Toilet-paper-holders and paper	9 00
	31.	W. R. Vaughn, watchman, May salary	55 00
June	2.	Lucy L. Hill, April voucher	64 90
	2.	Lucy L. Hill, May voucher	68 00
	3.	Probst Construction Company, work on building, part pay- ment	4,000 00
	3.	J. W. Yerkes, for entertaining Governor and staff	10 21
	3.	J. W. Yerkes, April and May voucher	350 20
	3.	J. D. Black, May voucher	186 65
	3.	Sue P. Brown, May voucher	81 50
	3.	Freight charges on furniture	2 77
	3.	Banquets for Press Association and Governor and staff. . .	144 00
	3.	Janitor and wife to June 1st	8 00
	5.	G. L. Willis, Superintendent, salary for May.	75 00
	5.	J. D. Clardy, May voucher.	311 39
	5.	I. E. Symmes, May voucher	102 75

	5.	Grand Pacific Hotel, Governor, staff and Col. Bradley . . .	\$101 75
	5.	Fixing lock in desk	1 60
	5.	M. H. Crump, Mines and Forestry, for May	333 10
	5.	Stanley & Brice, work on mineral arch	450 00
	5.	Stove, etc., for office in mining display	9 20
	5.	Freight charges on agricultural exhibit from Frankfort. . . .	22 20
	5.	Flexner Brothers, engraving invitations to dedicatory ceremonies	61 25
June	5.	B. C. Dulaney, for entertaining Governor and staff	3 57
	5.	Blotting paper for agricultural cases	12 50
	5.	W. M. Samuels, Horticultural Department	43 02
	5.	Nelson & Company, for tinting walls	295 00
	5.	W. H. Dulaney, May voucher	193 75
	5.	W. H. Dulaney, to pay sundry bills.	92 45
	8.	Rugs and express on same	38 65
	8.	Music for Press Association and dedicatory days	50 00
	8.	J. A. Dennahue, for sodding and grading	235 00
	8.	J. Y. Brown, expenses self and staff	71 50
	8.	Southern Engineering Company, for electrical work, part payment	125 00
	8.	International Steel Post Company, for fencing	36 78
	9.	Amount due for Children's Building	17 63
	8.	I. E. Symmes, to pay sundry bills	6 30
	9.	Western Rubber Company, for hose	6 25
	9.	Louisville & Nashville Railroad, for freight charges	67 46
	9.	D. H. Patten, work in Forestry Department	11 60
	9.	Ferd Borchett, work in Forestry Department	11 80
	9.	H. O. Shepard & Company, for stationery	13 00
	10.	T. J. Miller, for work in Mines Department	326 25
	10.	Janitor and wife to June 8th	8 00
	10.	Pay-roll, work in Mining Department.	167 75
	10.	Newspaper rack.	5 00
	12.	S. P. Gross, for board, etc., janitors and helps	34 70
	12.	J. V. Escott & Sons, for packing, etc., pictures.	98 38
	12.	I. E. Symmes, to pay sundry bills.	26 42
	12.	C. C. Church, Agent for freight on mineral exhibit	88 76
	12.	Maury & Dodd, architects, part payment	200 00
	12.	W. M. Samuels, Horticultural Department	300 00
	12.	Pay-roll, for work in forestry exhibit	51 20
	16.	I. E. Symmes, per voucher	103 00
	16.	B. C. Dulaney, to pay sundry bills	16 95
	16.	Rumble & Company, for work in educational exhibit	41 05
	16.	P. Drane, for work in Agricultural Department	33 33
	16.	P. Drane, for work in Agricultural Department	50 00
	20	W. R. Vaughn, watchman, salary to June 15th.	25 00
May	8.	Stanley & Brice, for work on mineral arch.	250 00
	9.	For painting educational exhibit	30 00
June	20.	Lawn-mower	3 50

" 21.	C. B. Pittman, helper, to July 1st.	\$50 00
" 21.	Moore & McAtee, insurance on State building exhibits . . .	158 50
" 21.	Express on register from Covington.	6 70
" 21.	Janitor and wife, to date	8 00
" 26.	Janitor and wife, board to date	21 45
" 26.	B. C. Dulaney, to pay sundry bills	11 39
" 26.	Temporary janitor, two days	3 00
June 26.	Probst Construction Company, for building, part payment. .	\$5,400 00
" 26.	W. J. Jackson, for freight charges	14 40
		\$44,282 45
Amount paid out for Old Board, approved by the Legis-		
lature		8,381 94
Total amount expended to date.		\$52,664 39

Mr. Kirk moved that said communication and statement be printed.

Said motion was adopted.

A message was received from the Senate, announcing that they had passed H. B. 556, entitled

An act to authorize the county court of the several counties of this Commonwealth to submit propositions for removing county seats to the legal voters of the respective counties,

With an amendment proposed thereto by the Senate.

That they had refused to concur in sundry amendments proposed by the House to S. B. 240, entitled

An act to regulate the charitable institutions supported by the State.

That they had concurred in amendments proposed by the House and passed S. B. 241, entitled

An act to amend an act, entitled "An act providing for the creation and regulation of private corporations.

That they had passed bills of the following titles, viz:

1. S. B. 255. An act appropriating money.
2. S. B. 261. An act regarding appeals from the Superior to the Court of Appeals.

Ordered, That said bills be referred—the 1st to the Committee on Claims; the 2d to the Committee on Court of Appeals and Superior Court.

The House took from the orders of the day bills and a resolution as follows, viz:

S. B. 253. An act to amend section 364 of the Civil Code.

S. B. 257. An act prescribing a penalty for the violation of section 201 of the Constitution.

S. B. 258. An act to provide police protection for counties containing cities of the second class.

S. B. 260. An act to authorize the appointment of official stenographic reporters in counties containing a population of seventy-five thousand or over.

S. Resolution 68. Resolution for the benefit of the preachers of the Gospel of Frankfort.

Said bills and resolution were severally read the second time by their titles,

The constitutional provision as to the second reading of said bills and resolution being dispensed with.

The House took from the Clerk's desk H. B. 556, entitled

A bill to authorize the county court of the several counties of this Commonwealth to submit propositions for removing county seats to the legal voters of the respective counties,

Together with the amendment proposed thereto by the Senate.

The question being taken on concurring in said amendment, it was decided in the affirmative.

Said bill, as amended, was passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. (Speaker Moore),	J. M. Frazee,	Eli Nicholls,
Lewis Alexander, Sr.,	Wm. Garrison,	W. F. Peak,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
W. S. Bailey,	Thos. H. Hanks,	Granville Philpot,
Posey D. Ball,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
John Botts,	R. K. Hart,	A. T. Pullen,
P. S. Bruner,	P. R. Hays,	C. D. Reed,
L. J. Cox,	W. J. Hissem,	S. H. Shouse,
W. J. Cox,	F. W. Hutcheson,	Fenton Sims,
J. S. Cullen,	Daniel James,	W. R. Stewart,
J. M. Dawson, Jr.,	J. S. Joplin,	J. R. Summers,
James R. Dean,	R. M. Kincheloe,	J. R. Thomas,
E. M. Dickson,	J. S. Kirk,	John M. Tinsley,
D. B. Edmiston,	William Krieger,	N. S. Walton,

McD. Ferguson,	John S. May,	Geo. E. Willett,
John Finn,	Hiram McElroy,	John D. Woods—53.
George Will. Follis,	M. D. McInerney	

In the negative—Geo. T. Halbert—1.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day H. B. 573, entitled

A bill to prohibit the issuing of certain obligations to be redeemed in numerical order, or in any arbitrary order of precedence.

The question being taken on the adoption of the motion, heretofore entered by Mr. Sims, to reconsider the vote by which said bill was passed, it was decided in the affirmative.

Mr. Botts moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was adopted.

Mr. Peak called up the motion, heretofore entered by him, to reconsider the vote by which the amendment proposed to said bill by Mr. Myers was adopted.

Said motion was adopted.

Said amendment was then rejected.

Ordered, That said bill be read the third time.

Mr. Myers moved to postpone the reading of said bill until to-morrow.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Myers and Welch, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	McD. Ferguson,	John S. May,
W. W. Ayres,	J. M. Frazee,	Harvey Myers,
W. S. Bailey,	J. P. Gay,	W. F. Peak,
Posey D. Ball,	J. C. Glenn,	Thos. S. Pettit,
W. P. Beard,	Geo. T. Halbert,	I. M. Quigley,
P. S. Bruner,	A. L. Harned,	C. D. Reed,
A. J. Carroll,	R. K. Hart,	D. H. Severs,
L. J. Cox,	W. J. Hissem,	Waller Sharp,
James R. Dean,	Daniel James,	J. R. Thomas,
E. M. Dickson,	William Krieger,	John M. Tinsley,
D. B. Edmiston,	W. H. May,	H. P. Whitaker—33.

Those who voted in the negative, were—

John T. Bashaw,	U. G. Harlow,	Granville Philpot,
B. T. Birkhead,	P. R. Hays,	A. T. Pullen,
John Botts,	B. B. Hensley,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	Fenton Sims,
W. J. Cox,	J. S. Joplin,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	Hiram McElroy,	N. S. Walton,
George Will Follis,	M. D. McInerney,	Geo. E. Willett,
Wm. Garrison,	Eli Nicholls,	R. B. Wilson,
Thos. H. Hanks,	J. P. O'Meara,	John D. Woods—30.

The House took from the orders of the day S. B. 248, entitled
An act to amend an act, entitled "An act to divide the State
into one hundred Representative Districts."

The motion heretofore entered to reconsider the vote by which
said bill was lost was adopted.

Said bill was then rejected.

The yeas and nays being required thereon by a provision of
the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Geo. T. Halbert,	A. T. Pullen,
Lewis Alexander, Sr.,	Thos. H. Hanks,	I. M. Quigley,
W. S. Bailey,	U. G. Harlow,	C. D. Reed,
John T. Bashaw,	A. L. Harned,	D. H. Severs,
A. J. Carroll,	R. K. Hart,	Waller Sharp,
B. E. Caudill,	H. K. Hay,	S. H. Shouse,
L. J. Cox,	B. B. Hensley,	C. C. Spalding,
James R. Dean,	William Krieger,	W. W. Stephenson,
E. M. Dickson,	John M. Letterle,	N. S. Walton,
D. B. Edmiston,	C. W. Mathers,	J. H. Welch,
J. M. Frazee,	Hiram McElroy,	H. P. Whitaker,
Ben. F. Gardner,	Harvey Myers,	Geo. E. Willett,
J. P. Gay,	J. P. O'Meara,	John D. Woods—39.

Those who voted in the negative, were—

W. W. Ayres,	J. C. Glenn,	Eli Nicholls,
Posey D. Ball,	P. R. Hays,	W. F. Peak,
W. P. Beard,	W. J. Hissem,	E. M. Pryse,
B. T. Birkhead,	F. W. Hutcheson,	W. R. Stewart,
P. S. Bruner,	T. S. Kirk,	J. R. Summers,
W. J. Cox,	W. H. May,	J. R. Thomas,
J. S. Cullen,	John S. May,	John M. Tinsley,
McD. Ferguson,	M. D. McInerney,	R. B. Wilson—25.
Wm. Garrison,		

So said bill was rejected.

Mr. Ferguson stated that had he been present when the bill to remove the Capital was voted on, he would have voted in the negative.

Mr. Hanks, from the Committee of Conference, appointed to take into consideration the differences between the two Houses as to H. B. 539, entitled

An act for the government of cities of the second class, submitted the following report in writing :

To the Honorable Speaker and House of Representatives :

The committee appointed to take into consideration the differences between the two Houses of the General Assembly concerning House Bill No. 539, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," respectfully report and recommend that the Senate concur in the following amendments proposed by the House of Representatives to the substitute proposed by the Senate for said bill, namely : Amendments numbered respectively 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 42, 43, and that the House of Representatives recede from amendments proposed by it to said substitute numbered respectively 1, 2, 8, 10, 16, 28, 38, 39, 39½, 41, 44.

They recommend that the following be inserted in the said substitute as page 30½, namely :

CITY TREASURER.

§ —. There shall be elected by the qualified voters of the city a city treasurer, who shall hold his office for four years, and until his successor shall have been elected and qualified. He shall be eligible to re-election to succeed himself. No person shall be eligible to the office of city treasurer who, at the time of his election, is not twenty-four years of age and an elector of the city, and a resident of the city for five years preceding his election.

§ —. He shall receive all funds of the city and of the board of education. No money shall be paid out by the city, unless the claim therefor has been allowed by ordinance or order, and until an order therefor has been signed by the clerk and the mayor, if it be the city's, or the president of the board of education if it be the funds of said board, and countersigned by

the auditor, has been drawn upon the treasurer, when the treasurer shall draw a check on the city depository therefor to the order of the same party or parties in whose favor the order was drawn, which shall be signed by himself, countersigned by the auditor, and attested by the city clerk. He shall make daily deposits in the city's depository of all money received by him in the preceding twenty-four hours. He shall furnish to the auditor, at least once each month, or at any other time when demanded or required by ordinance, a certificate from the depository showing the balance on hand to the credit of the city; and also a statement of the gross amount and numbers of the checks paid since his preceding report. He shall perform such other duties as a general council shall by ordinance direct.

They recommend that the following be added to section 19, article 5, page 19, of said substitute, namely :

“But nothing contained in this act shall release any street railway or other railway company from building, constructing, reconstructing or repairing, or from the cost of building, constructing, reconstructing or repairing any street, alley, block, square or other place, or any part of either, which, under the terms of its charter, or under any agreement, law or ordinance it may now be bound to build, construct, reconstruct or repair, or pay for the building, constructing, reconstructing or repairing of in whole or in part.”

The committee further recommend that section 23, on page 69 of said substitute, be struck out.

The committee recommend that section 1 of article 14, on page 39 of said substitute, be struck out, and the following inserted in lieu thereof, viz :

§ 1. Each city shall raise a revenue from *ad valorem* taxes and a poll-tax and license fees, and to that end the common council of each city is hereby authorized and empowered to provide each year, by ordinance, for the assessment of all real and personal estate within the corporate limits thereof, subject to taxation for State purposes, and shall levy an *ad valorem* tax on same, not exceeding the rate and limit prescribed in the Constitution, and for school purposes not exceeding fifty cents on each one hundred dollars of taxable property therein, or such portion of the poll-tax or license fees as the council may designate ; to levy a poll-tax not exceeding one dollar and fifty cents on each adult male inhabitant thereof, and may impose license fees on stock used for breeding purposes, on franchises, trades, occupations and professions, and provide for the collection thereof. All taxes and license fees shall be levied or imposed by ordinance, and the purpose or purposes for which the same are levied or imposed shall be specified therein, and the revenue

therefrom shall be expended for no other purpose than that for which it is collected.

The committee recommend that in article 19, section 19, of said substitute the word "two" be struck from line 5, and the word "four" inserted in lieu thereof; and that the word "one" be struck out from line 7 and the word "two" inserted in lieu thereof; and that in line 8 the word "second" be inserted after the word "each" and before the word "year;" and that in line 2 of section 20 of said article the words "one year" be struck out and the words "two years" be inserted in lieu thereof.

Respectfully submitted,

Senate Committee.

House Committee.

JAS. H. MULLIGAN, *Ch'n.*,

THOS. H. HANKS, *Ch'n.*,

WM. GOEBEL,

W. F. PEAK,

J. W. MCCAIN.

R. K. HART.

Mr. Welch moved to postpone the further consideration of said bill and report until to-morrow morning at 10:30 o'clock.

Said motion was adopted.

The yeas and nays being required thereon by Messrs. Myers and Carroll, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	A. L. Harned,	I. M. Quigley,
Lewis Alexander, Sr.,	R. K. Hart,	C. D. Reed,
W. W. Ayres,	H. K. Hay,	D. H. Severs,
W. S. Bailey,	P. R. Hays,	Waller Sharp,
Posey D. Ball,	F. W. Hutcheson,	Fenton Sims,
A. J. Carroll,	J. S. Joplin,	W. R. Stewart,
L. J. Cox,	R. M. Kincheloe,	J. R. Summers,
J. M. Dawson, Jr.,	T. S. Kirk,	J. R. Thomas,
James R. Dean,	John M. Letterle,	John M. Tinsley,
D. B. Edmiston,	W. H. May,	N. S. Walton,
McD. Ferguson,	John S. May,	J. H. Welch,
John Finn,	Harvey Myers,	H. P. Whitaker,
J. M. Frazee,	J. P. O'Meara,	Geo. E. Willett,
Wm. Garrison,	Granville Philpot,	R. B. Wilson,
J. C. Glenn,	E. M. Pryse,	John D. Woods—47.
Thos. H. Hanks,	A. T. Pullen,	

Those who voted in the negative, were—

B. E. Caudill,	M. D. McInerney,	Thos. S. Pettit.
W. J. Hissem,	Eli Nicholls,	S. H. Shouse—6.

The House took from the Clerk's desk S. B. 240, entitled
An act to regulate the charitable institutions supported by
the State.

Mr. Pettit moved that the House recede from its amendments
to said bill.

Said motion was adopted.

Said bill was then passed.

The yeas and nays being required thereon by a provision of
the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	George Will. Follis,	Thos. S. Pettit,
Lewis Alexander, Sr.,	J. M. Frazee,	Granville Philpot,
W. W. Ayres,	Wm. Garrison,	E. M. Pryse,
W. S. Bailey,	Ben. F. Gardner,	A. T. Pullen,
Posey D. Ball,	J. C. Glenn,	C. D. Reed,
John T. Bashaw,	Thos. H. Hanks,	D. H. Severs,
B. T. Birkhead,	A. L. Harned,	Waller Sharp,
John Botts,	H. K. Hay,	S. H. Shouse,
P. S. Bruner,	P. R. Hays,	Fenton Sims,
A. J. Carroll,	W. J. Hissem,	C. C. Spalding,
B. E. Caudill,	T. S. Kirk,	W. W. Stephenson,
L. J. Cox,	John M. Letterle,	J. R. Summers,
W. J. Cox,	Hiram McElroy,	N. S. Walton,
James R. Dean,	Harvey Myers,	J. H. Welch,
D. B. Edmiston,	Eli Nicholls,	H. P. Whitaker,
McD. Ferguson,	J. P. O'Meara,	Geo. E. Willett,
John Finn,	W. F. Peak,	John D. Woods—51.

Those who voted in the negative, were—

J. S. Cullen,	I. M. Quigley,	John M. Tinsley,
J. M. Dawson, Jr.,	W. R. Stewart,	R. B. Wilson—8.
M. D. McInerney,	J. R. Thomas,	

Resolved, That said bill do pass, and that the title thereof
be as aforesaid.

Mr. Edmiston, from the Committee on Enrollments, reported
that they had examined enrolled bills and a joint resolution,
which originated in the House, of the following titles, viz :

H. B. 258. An act to establish a State Board of Pharmacy,
defining its duties and powers, and to regulate the practice of
pharmacy in the Commonwealth of Kentucky ;

H. B. 502. An act to authorize the county courts to maintain abandoned turnpike roads in this Commonwealth ;

H. Resolution 103. Resolution to provide for collating, compiling, classifying, arranging, indexing and editing the general statutory laws of this Commonwealth ;

H. B. 556. An act to authorize the county court of the several counties of this Commonwealth to submit propositions for removing county seats to the legal voters of the respective counties ;

H. B. 552. An act to amend an act, entitled "An act for the government of towns of the sixth class ;"

H. B. 555. An act empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health, convenience or welfare of its inhabitants ;

H. B. 561. An act authorizing the Public Printer to print one thousand copies of certain city charters ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills and resolution would now be read, and that he would sign the same to the end that they might become laws.

Said bills and resolution were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills and resolution to the Senate.

After a time the Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills and resolution to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 61. An act to provide an efficient system of common schools throughout the State,

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

Mr. Severs, from the Committee on Claims, reported S. B. 255, entitled

An act appropriating money.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

A message was received from the Governor, announcing that he had approved and signed bills as follows, viz :

H. B. 550. An act to empower the trustees of the State Normal School for Colored Persons at Frankfort to build a dormitory.

H. B. 557. An act to enable incorporated colleges and universities located in this Commonwealth to establish adjunct schools and colleges.

And then the House adjourned.

FRIDAY, JUNE 30, 1893.

The House was opened with prayer by Elder George Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon the call of the roll, the following members were present, viz :

Mr. Speaker (Moore),	George Will. Follis,	Eli Nicholls,
Lewis Alexander, Sr.,	J. M. Frazee,	J. P. O'Meara,
W. W. Ayres,	J. C. Glenn,	W. F. Peak,
W. S. Bailey,	Geo. T. Halbert,	Thos. S. Pettit,
John T. Bashaw,	Thos. H. Hanks,	Granville Philpot,
W. P. Beard,	U. G. Harlow,	J. F. Porter,
B. T. Birkhead,	A. L. Harned,	E. M. Pryse,
John Botts,	R. K. Hart,	A. T. Pullen,
P. S. Bruner,	H. K. Hay,	C. D. Reed,
B. E. Caudill,	P. R. Hays,	D. H. Severs,
W. J. Cox,	B. B. Hensley,	S. H. Shouse,
L. J. Cox,	W. J. Hissem,	C. C. Spalding,
J. S. Cullen,	Daniel James,	W. W. Stephenson,
J. M. Dawson, Jr.,	J. S. Joplin,	W. R. Stewart,
James R. Dean,	R. M. Kincheloe,	J. R. Summers,
E. M. Dickson,	T. S. Kirk,	J. R. Thomas,
J. E. Durham,	William Krieger,	John M. Tinsley,
D. B. Edmiston,	John M. Letterle,	N. S. Walton,
McD. Ferguson,	W. H. May,	John D. Woods—59.
John Finn,	Hiram McElroy,	

The following members were absent, viz :

T. J. Arnett,	S. M. Gough,	I. M. Quigley,
Posey D. Ball,	Berry Howard,	R. E. Roberts,
John Bartman,	F. W. Hutcheson,	John Ryan,
R. F. Bass,	W. W. Johnson,	Waller Sharp,
B. F. Bennett,	Henry Kremer,	Fenton Sims,
Polk Cansler,	Lewis Y. Leavell,	Samuel O. Tate,
A. J. Carroll,	H. P. Lively,	Lewis E. Thomas,
A. H. Charlton,	C. W. Mathers,	D. W. Tribble,
F. P. Combest,	John S. May,	J. H. Welch,
R. F. Comer,	M. D. McInerney,	H. P. Whitaker,
Wesley Crow,	Harvey Myers,	B. F. Willett,
Wm. Garrison,	W. F. Neat,	Geo. E. Willett,
Ben F. Gardner,	John Lee Payne,	R. B. Wilson—41.
J. P. Gay,	J. A. Perkins,	

The Journal of yesterday was approved.

Mr. McElroy moved the adoption of the following resolution, viz :

Be it resolved by the House of Representatives, That when this House adjourns on Saturday, it meet on Monday, July 3d, at 9 o'clock, A. M.

Said resolution was adopted.

Mr. Pettit moved the adoption of the following resolution, viz :

Resolved by the House of Representatives, 1. That the President of the United States, His Excellency, Grover Cleveland, is hereby earnestly requested to direct the Secretary of War to recommend the amount, one million five hundred and twenty-four thousand dollars (\$1,524,000) [“amount estimated required for the completion of existing project,” the Kentucky river, as is contained in Major Lockwood’s report on said river to the Secretary of War] to Congress convening December, 1893, in his report to that body concerning rivers and harbors.

2. That our Senators, Messrs. Blackburn and Lindsay, are hereby instructed to have incorporated in the River and Harbor Bill of the Congress convening in December, 1893, \$1,524,000, the full amount estimated to complete the Kentucky river to Beattyville, and they appear before the River and Harbor Committee and urge the passage of the bill for the immediate completion of the Kentucky river, with all their skill and ability.

3. That each and every Representative from this State in Congress are most earnestly requested to appear before the River and Harbor Committee and do all in their power to present Kentucky’s claim to said committee in behalf of the immediate improvement of the Kentucky river, and urge the passage of the bill making the appropriation for said purpose. By so doing they will render their State an invaluable service, and be the means of opening up to market the great wealth contained in the 10,000 square miles of the Eastern coal fields, or one-fourth the area of their State that is now comparatively dormant and inaccessible.

4. Copies of these resolutions to be sent to our Senators and the Kentucky delegation in Congress.

Mr. Gardner moved to amend said resolution by adding “Salt river.”

Said amendment was adopted.

Mr. Woods moved to amend said resolution by adding “Green and Barren rivers.”

Said amendment was adopted.

Mr. Myers moved to amend said resolution by adding “Licking river.”

Said amendment was adopted.

Said resolution, as amended, was adopted.

The House took from the orders of the day the following bills, viz:

S. B. 250. An act relating to the employes of the General Assembly.

S. B. 255. An act appropriating money.

Said bills were severally read the second time by their titles,

The constitutional provision as to the second reading at length of said bills being dispensed with.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed bills, which originated in the Senate, of the following titles, viz:

S. B. 247. An act to amend an act to regulate the running at large of stock, approved may 16th, 1893, and declaring an emergency.

S. B. 245. An act concerning turnpike road bonds issued or to be issued under laws heretofore enacted, and taxes to be levied to pay the same.

S. B. 224. An act dividing the State into Thirty-eight Senatorial Districts.

S. B. 252. An act to regulate the sale of dynamite, and providing a penalty for its unlawful use in this Commonwealth.

S. B. 244. An act to amend subsection 4 of section 51 of the Civil Code of Practice.

S. B. 98. An act repealing all laws and parts of laws which authorize any municipality to become a stockholder in company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association or individual, and declaring an emergency.

That they had passed S. B. 533, entitled

An act to authorize Hardin county to dispose of the surplus money now on hand arising from its subscription to the capital stock of the Louisville and Nashville Railroad Company, and declaring an emergency.

That they had disagreed to H. B. 541, entitled

An act to promote the study of medicine and surgery in the Commonwealth of Kentucky.

The House took from the orders of the day S. B. 260, entitled
An act to authorize the appointment of official stenographic
reporters in counties containing a population of 75,000 or over.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. The judge of the circuit court of each judicial district of this Commonwealth, composed of a county containing a population of seventy-five thousand or over, or the judge of any division of such court, may, in his discretion, appoint an official stenographic reporter for such court or division, who shall be skilled in his profession, and who shall hold office for a period of four years, or until his successor is appointed and qualified, unless sooner removed at the pleasure of the judge of said court or division for incompetency, or for other cause shown as hereinafter provided.

§ 2. Said reporter, before entering upon the discharge of his duties, shall take an oath before the judge of the court or division for which said reporter is appointed, to faithfully discharge the duties of such stenographic reporter.

§ 3. Upon any trial or proceeding in any civil case in said court or division, if either party to the suit, or their attorney, shall request the services of said reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct such reporter to make a full report of the testimony heard therein, whereupon it shall be the duty of the reporter to take full stenographic notes of such testimony, and upon the motion of either party to the suit or proceeding, or their attorney, to cause a full and accurate transcript of the same to be made, which shall be filed among the papers to be used in making up the bill of exceptions to the Court of Appeals.

§ 4. Upon the trial of any criminal proceeding in said court, if the Commonwealth attorney, or the accused, through his attorney, shall request the services of said reporter, the presiding judge may, in his discretion, order a full report of the testimony and a transcript thereof, whereupon it shall be the duty of said reporter to take full short-hand notes of such testimony, and to make such transcript thereof as he may be directed to make by the judge of said court, which transcript may be used in making up the bill of exceptions to the Court of Appeals.

§ 5. In any equity suit or proceeding pending in such court or division, where testimony is to be taken, if either of the parties to the suit or proceeding, or their attorney, shall suggest, the presiding judge may, in his discretion, direct such testimony to be taken by the reporter, in which case it shall be the duty of said reporter to take the testimony in short-hand, and to cause a full and accurate transcript of the same to be made and filed among the papers of the case.

§ 6. The fees of said reporters appointed under the provisions of this act, when serving in criminal cases in any of said courts, shall be fixed by the presiding judge thereof, not, however, to exceed five dollars per day for taking stenographic notes, and fifteen cents per one hundred words for the transcript thereof, which fees shall be paid upon the order of the presiding judge of said court, by the county in which such circuit court is situated, if the same is ordered by the court for the use of the Commonwealth's attorney. If the transcript of the notes of said reporter in any criminal case is ordered by the presiding judge upon the motion of the defendant, or his counsel, the defendant shall be required to pay for the same, if in the opinion of the court he is able to do so. If it shall appear that the defendant is not able to pay for such transcript, the court may direct the same to be paid for as heretofore provided, and the same may be recovered at any future time from the defendant: *Provided*, That the amount paid by the county in such cases shall not exceed twelve hundred dollars per annum: *Provided further*, That no part of the fees of said reporter shall be paid by the Commonwealth. The fees of said reporter, when serving in civil cases in any of said courts or divisions shall be fixed by the presiding judge, not, however, to exceed five dollars per day for taking stenographic reports, and fifteen cents per one hundred words for the transcript thereof, which shall be paid forthwith by the party or parties in whose behalf such report or transcript is ordered, and shall be taxed as a part of the costs of the suit or proceeding: *Provided, however*, That said reporter shall not be required to file any of said transcripts without payment therefor by the party or parties in whose behalf the same is ordered: *Provided however, further*, That the presiding judge of said court or division may direct said reporter to file a transcript upon the motion of any party suing in *forma pauperis*.

§ 7. The testimony of any witness or witnesses taken by said reporter in any court or division as aforesaid shall constitute a part of the record of the case, and may, in the discretion of the presiding judge, be used in any subsequent trial of the same case between the same parties, where the testimony of such witness or witnesses can not be procured, which fact must be made to appear satisfactorily to the court by the affidavit of the party desiring to use the same, or his attorney: *Provided*, That in criminal cases such testimony shall be so used only upon the consent of the defendant.

§ 8. Any of said transcripts of testimony made by such reporter, as aforesaid, when attested by the judge before whom the trial is had, may be taken, without being copied, to the Court of Appeals, to be used upon an appeal, and thereafter returned to the court in which it was made.

§ 9. If said reporter shall prove to be incompetent, or shall fail to perform, in whole or in part, faithfully the duties, obli-

gations and labors enjoined upon him in this act, he shall at once be removed by the judge of such court or division upon the application of any responsible person, showing good cause therefor by competent evidence; and if said reporter shall be guilty of any willful or corrupt misconduct or neglect in the discharge of any of the duties, obligations or labors required to be by him performed by any of the provisions of this act, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months.

§ 10. For the reason that official stenographic reporters are necessary to promptly and properly expedite business in circuit courts in the counties embraced in this act, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	J. P. Gay,	A. T. Pullen,
Lewis Alexander, Sr.,	J. C. Glenn,	I. M. Quigley,
T. J. Arnett,	Geo. T. Halbert,	C. D. Reed,
W. W. Ayres,	Thos. H. Hanks,	D. H. Severs,
W. S. Bailey,	U. G. Harlow,	Waller Sharp,
John T. Bashaw,	A. L. Harned,	S. H. Shouse,
P. S. Bruner,	R. K. Hart,	Fenton Sims,
A. J. Carroll,	H. K. Hay,	C. C. Spalding,
L. J. Cox,	F. W. Hutcheson,	W. W. Stephenson,
W. J. Cox,	Daniel James,	W. R. Stewart,
J. S. Cullen,	J. S. Joplin,	J. R. Thomas,
J. M. Dawson, Jr.,	William Krieger,	John M. Tinsley,
James R. Dean,	John M. Letterle,	D. W. Tribble,
E. M. Dickson,	W. H. May,	N. S. Walton,
J. E. Durham,	John S. May,	J. H. Welch,
D. B. Edmiston,	Hiram McElroy,	H. P. Whitaker,
McD. Ferguson,	Harvey Myers,	Geo. E. Willett,
J. M. Frazee,	J. P. O'Meara,	R. B. Wilson,
Wm. Garrison,	W. F. Peak,	John D. Woods—59.
Ben. F. Gardner,	J. F. Porter,	

Those who voted in the negative, were—

W. P. Beard,	Thos. S. Pettit,	E. M. Pryse—5.
P. R. Hays,	Granville Philpot,	

Resolved, That said bill do pass, and that the title thereof be as aforesaid :

The Speaker laid before the House the following communication from Mr. Charlton, viz:

LOUISVILLE, KY., June 29th.

HON. W. M. MOORE, *Speaker*:

DEAR SIR: I made no such statements as the newspapers have accredited to me; know of no one giving or accepting a bribe in Capital removal question. My reasons for not appearing in person are because I am hardly able to be about.

Yours respectfully,

ALBERT H. CHARLTON.

P. S.—I did not receive registered letter until 9:25 o'clock, June 28th.

A. H. C.

Mr. O'Meara, from the Committee on Court of Appeals and Superior Court, reported S. B. 261, entitled

An act regarding appeals from the Superior Court to the Court of Appeals.

Said bill was read the first time, ordered to be printed, and read the second time on some other day.

The House took from the orders of the day S. B. 256, entitled

An act empowering cities of the second class to issue bonds for the construction of sewers, which by laws heretofore enacted they are authorized to construct at the general expense of, and pay for out of, taxes levied on all the taxable property of such cities.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. Cities of the second class, which are by laws heretofore enacted authorized to construct sewers at the general expense of such cities, and to pay therefor out of taxes levied on all the taxable property of such cities, shall be, and they are hereby, empowered to issue bonds to pay for such sewer or sewers in such denominations, payable at such times and at such places as the council of such cities may determine, bearing interest not exceeding five per centum per annum, payable semi-annually. Such bonds and interest thereon shall be paid out of such taxes, and none of such taxes shall be applied to any other purpose. If, after the payment of such bonds and interest, a surplus remain, the same shall be paid into the sinking fund of such cities.

§ 2. Because, by laws heretofore enacted, cities of the second class were authorized to construct sewers at general expense, and levy taxes upon all the taxable property of such cities extending over a term of years to pay therefor, but no provision was made for the issuing of bonds for such purposes, and because the public health requires the construction of sewers in such cities, therefore there is an emergency that this act go into immediate effect, and this act shall go into effect as soon as approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. C. Glenn,	W. F. Peak,
T. J. Arnett,	Geo. T. Halbert,	Thos. S. Pettit,
W. W. Ayres,	Thos. H. Hanks,	Granville Philpot,
W. S. Bailey,	U. G. Harlow,	J. F. Porter,
W. P. Beard,	A. L. Harned,	E. M. Pryse,
B. T. Birkhead,	R. K. Hart,	A. T. Pullen,
John Botts,	H. K. Hay,	I. M. Quigley,
P. S. Bruner,	P. R. Hays,	C. D. Reed,
A. J. Carroll,	B. B. Hensley,	Waller Sharp,
J. S. Cullen,	W. J. Hissem,	S. H. Shouse,
J. M. Dawson, Jr.,	F. W. Hutcheson,	C. C. Spalding,
James R. Dean,	Daniel James,	W. W. Stephenson,
E. M. Dickson,	J. S. Joplin,	W. R. Stewart,
J. E. Durham,	R. M. Kincheloe,	J. R. Summers,
D. B. Edmiston,	John M. Letterle,	John M. Tinsley,
McD. Ferguson,	W. H. May,	D. W. Tribble,
John Finn,	Hiram McElroy,	N. S. Walton,
J. M. Frazee,	M. D. McInerney,	H. P. Whitaker,
Wm. Garrison,	Harvey Myers,	Geo. E. Willett,
Ben. F. Gardner,	Eli Nicholls,	John D. Woods—62.
J. P. Gay,	J. P. O'Meara,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day S. B. 253, entitled
An act to amend section 364 of the Civil Code.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That title 9, article 7, section 364, of the

Civil Code of Practice, be amended by striking out the word "ninety," in line 4 of said section, and insert in its place the word "sixty," so that said section, as amended, will read as follows: "Equitable actions shall stand for trial at any term if the pleadings have been, or by the provisions of sections 102, 104, 105 and 106 should have been, completed sixty days before the commencement of such term; but if they have not been so completed, though they should have been by those sections, the party in default as to time shall not be entitled to demand a trial."

§ 2. Owing to the delay now existing in procuring trials in equity causes in the circuit courts in this State, an emergency is declared to exist, and this act shall take effect from its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Geo. T. Halbert,	W. F. Peak,
W. W. Ayres,	Thos. H. Hanks,	Thos. S. Pettit,
W. S. Bailey,	U. G. Harlow,	Granville Philpot,
John T. Bashaw,	A. L. Harned,	J. F. Porter,
W. P. Beard,	H. K. Hay,	A. T. Pullen,
B. T. Birkhead,	P. R. Hays,	I. M. Quigley,
John Botts,	B. B. Hensley,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
A. J. Carroll,	Daniel James,	Fenton Sims,
L. J. Cox,	J. S. Joplin,	C. C. Spalding,
W. J. Cox,	R. M. Kincheloe,	W. W. Stephenson,
J. S. Cullen,	William Krieger,	J. R. Summers,
James R. Dean,	John M. Letterle,	J. R. Thomas,
J. E. Durham,	W. H. May,	John M. Tinsley,
D. B. Edmiston,	John S. May,	D. W. Tribble,
John Finn,	Hiram McElroy,	H. P. Whittaker,
J. M. Frazee,	M. D. McInerney,	Geo. E. Willett,
Ben. F. Gardner,	Harvey Myers,	R. B. Wilson,
J. P. Gay,	Eli Nicholls,	John D. Woods—62.
J. C. Glenn,	J. P. O'Meara,	

In the negative—none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, announcing that he had approved and signed H. B. 561, entitled

An act authorizing the Public Printer to print one thousand copies of certain city charters.

The House took from the orders of the day S. Resolution 68, entitled

Resolution for the benefit of the preachers of the Gospel of Frankfort.

The amendment proposed by the committee was rejected.

Ordered, That said resolution be read the third time.

Said resolution was read the third time and adopted, as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky: That the several ministers of the Gospel who have rendered services in opening the House and Senate with prayer be, and they are hereby, allowed the sum of one hundred dollars each for their services for the year 1893, to be paid out of any money in the Treasury not otherwise appropriated, and the Auditor shall draw his warrant on the Treasury for same, payable to the Chief Clerk of the Senate, who shall distribute the same to the parties entitled to same as they may direct.

Amend by striking out "one hundred" in seventh line, and insert in lieu thereof "fifty."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	Ben. F. Gardner,	W. F. Peak,
Lewis Alexander, Sr.,	J. P. Gay,	Thos. S. Pettit,
W. W. Ayres,	J. C. Glenn,	J. F. Porter,
W. S. Bailey,	Geo. T. Halbert,	E. M. Pryse,
John T. Bashaw,	Thos. H. Hanks,	A. T. Pullen,
W. P. Beard,	U. G. Harlow,	I. M. Quigley,
B. T. Birkhead,	A. L. Harned,	C. D. Reed,
John Botts,	R. K. Hart,	D. H. Severs,
P. S. Bruner,	H. K. Hay,	Waller Sharp,
Polk Cansler,	P. R. Hays,	S. H. Shouse,
A. J. Carroll,	B. B. Hensley,	Fenton Sims,
L. J. Cox,	W. J. Hissem,	C. C. Spalding,
W. J. Cox,	F. W. Hutcheson,	W. W. Stephenson,
J. S. Cullen,	Daniel James,	W. R. Stewart,
J. M. Dawson, Jr.,	J. S. Joplin,	J. R. Summers,
James R. Dean,	R. M. Kincheloe,	J. R. Thomas,
E. M. Dickson,	William Krieger,	John M. Tinsley,
J. E. Durham,	John M. Letterle,	D. W. Tribble,
D. B. Edmiston,	W. H. May,	N. S. Walton,

McD. Ferguson,	John S. May,	J. H. Welch,
John Finn,	Hiram McElroy,	H. P. Whitaker,
George Will. Follis,	M. D. McInerney,	Geo. E. Willett,
J. M. Frazee,	Eli Nicholls,	R. B. Wilson,
Wm. Garrison,	J. P. O'Meara,	John D. Woods—72.

In the negative—T. J. Arnett—1.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill, which originated in the Senate, of the following title, viz :

S. B. 241. An act to amend an act, entitled "An act to provide for the creation and regulation of private corporations,"

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill would now be read, and that he would sign same to the end that it may become a law.

Said bill was then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time said Enrolling Clerk reported that he had performed that duty.

The House took up for consideration the special order of the day, viz :

H. B. 539. An act for the government of cities of the second class.

The question being taken on the adoption of the report of the Conference Committee, it was decided in the negative.

[*See Report in yesterday's Journal.*]

The yeas and nays being required thereon by Messrs. Myers and Wilson, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	Daniel James,
Lewis Alexander, Sr.,	George Will. Follis,	Hiram McElroy,

W. W. Ayres,	Wm. Garrison,	M. D. McInerney,
John T. Bashaw,	J. C. Glenn,	Eli Nicholls,
B. T. Birkhead,	Geo. T. Halbert,	W. F. Peak,
John Botts,	Thos. H. Hanks,	Thos. S. Pettit,
P. S. Bruner,	U. G. Harlow,	S. H. Shouse,
B. E. Caudill,	A. L. Harned,	Fenton Sims,
J. S. Cullen,	R. K. Hart,	W. R. Stewart,
J. M. Dawson, Jr.,	H. K. Hay,	J. R. Summers,
J. E. Durham,	P. R. Hays,	N. S. Walton,
D. B. Edmiston,	W. J. Hissem,	Geo. E. Willett—36.

Those who voted in the negative, were—

T. J. Arnett,	F. W. Hutcheson,	A. T. Pullen,
W. S. Bailey,	J. S. Joplin,	I. M. Quigley,
Posey D. Ball,	R. M. Kincheloe,	C. D. Reed,
W. P. Beard,	T. S. Kirk,	D. H. Severs,
Polk Cansler,	William Krieger,	Waller Sharp,
A. J. Carroll,	John M. Letterle,	W. W. Stephenson,
James R. Dean,	W. H. May,	J. R. Thomas,
E. M. Dickson,	John S. May,	John M. Tinsley,
John Finn,	Harvey Myers,	D. W. Tribble,
J. M. Frazee,	Granville Philpot,	J. H. Welch,
Ben. F. Gardner,	J. F. Porter,	H. P. Whitaker,
J. P. Gay,	E. M. Pryse,	R. B. Wilson—37.
B. B. Hensley,		

So said report was rejected.

And then the House adjourned.

SATURDAY, JULY 1, 1893.

The House was opened with prayer by Elder Geo. Darsie, of the Christian Church.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members were present, viz:

Mr. Speaker (Moore),	George Will. Follis,	J. P. O'Meara,
Lewis Alexander, Sr.,	J. M. Frazee,	John Lee Payne,
W. W. Ayres,	Wm. Garrison,	W. F. Peak,
W. S. Bailey,	J. C. Glenn,	Thos. S. Pettit,

Posey D. Ball,	Geo. T. Halbert,	Granville Philpot,
John T. Bashaw,	Thos. H. Hanks,	J. F. Porter,
W. P. Beard,	U. G. Harlow,	E. M. Pryse,
B. T. Birkhead,	H. K. Hay,	A. T. Pullen,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	S. H. Shouse,
B. E. Caudill,	Daniel James,	C. C. Spalding,
L. J. Cox,	J. S. Joplin,	W. W. Stephenson,
W. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	William Krieger,	J. R. Thomas,
James R. Dean,	C. W. Mathers,	John M. Tinsley,
J. E. Durham,	W. H. May,	D. W. Tribble,
D. B. Edmiston,	John S. May,	N. S. Walton,
McD. Ferguson,	Hiram McElroy,	John D. Woods—61.
John Finn,		

The following members were absent, viz :

T. J. Arnett,	A. L. Harned,	J. A. Perkins,
John Bartman,	R. K. Hart,	I. M. Quigley,
R. F. Bass,	B. B. Hensley,	R. E. Roberts,
B. F. Bennett,	Berry Howard,	John Ryan,
A. J. Carroll,	W. W. Johnson,	Waller Sharp,
A. H. Charlton,	Henry Kremer,	Fenton Sims,
F. P. Combest,	Lewis Y. Leavell,	Samuel O. Tate,
R. F. Comer,	Jno. M. Letterle,	Lewis E. Thomas,
Wesley Crow,	H. P. Lively,	J. H. Welch,
E. M. Dickson,	M. D. McInerney,	H. P. Whitaker,
Ben. F. Gardner,	Harvey Myers,	B. F. Willett,
J. P. Gay,	W. F. Neat,	Geo. E. Willett,
S. M. Gough,	Eli Nicholls,	R. B. Wilson—39.

The Journal of yesterday was approved.

A message was received from the Senate, announcing that they had passed H. B. 570, entitled

An act to repeal an act, entitled "An act to incorporate the town of East View, in Hardin county," approved May 16, 1890.

That they had disagreed to H. B. 560, entitled

A bill providing for the incorporation of the purchasers of railroads.

That they had passed S. B. 262, entitled

An act for the protection of vagrant and destitute or maltreated children actually or apparently under sixteen years of age.

Ordered, That said last-named bill be referred to the Committee on General Statutes.

Mr. Tinsley moved the adoption of the following resolution, viz :

Resolved, That the Public Printer be, and he is hereby, instructed to send to the post-office address of the members of this House—transportation charges prepaid—all the laws of this General Assembly especially ordered to be printed at this session, except such as have already been delivered.

Said resolution was adopted.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	John Lee Payne,
T. J. Arnett,	Wm. Garrison,	W. F. Peak,
W. W. Ayres,	J. C. Glenn,	Thos. S. Pettit,
Posey D. Ball,	Thos. H. Hanks,	Granville Philpot,
John T. Bashaw,	U. G. Harlow,	J. F. Porter,
W. P. Beard,	R. K. Hart,	E. M. Pryse,
B. T. Birkhead,	H. K. Hay,	A. T. Pullen,
John Botts,	P. R. Hays,	C. D. Reed,
P. S. Bruner,	W. J. Hissem,	D. H. Severs,
Polk Cansler,	F. W. Hutcheson,	Fenton Sims,
A. J. Carroll,	Daniel James,	C. C. Spalding,
B. E. Caudill,	J. S. Joplin,	W. W. Stephenson,
L. J. Cox,	R. M. Kincheloe,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. M. Dawson, Jr.,	William Krieger,	J. R. Thomas,
James R. Dean,	W. H. May,	John M. Tinsley,
E. M. Dickson,	John S. May,	D. W. Tribble,
J. E. Durham,	Hiram McElroy,	N. S. Walton,
D. B. Edmiston,	M. D. McInerney,	H. P. Whittaker,
McD. Ferguson,	Harvey Myers,	R. B. Wilson,
John Finn,	J. P. O'Meara,	John D. Woods—63.

In the negative—none.

The House took from the orders of the day S. B. 255, entitled
An act appropriating money.

Mr. Whitaker moved to postpone the further consideration of said bill until S. B. 256 was disposed of.

Said motion was rejected.

The yeas and nays being required thereon by Messrs. Cansler and Bashaw, were as follows, viz :

Those who voted in the affirmative, were—

W. S. Bailey,	R. M. Kincheloe,	John Lee Payne,
L. J. Cox,	William Krieger,	D. H. Severs.
McD. Ferguson,	W. H. May,	Waller Sharp,
J. M. Frazee,	M. D. McInerney,	N. S. Walton,
Wm. Garrison,	Harvey Myers,	H. P. Whitaker,
J. P. Gay,	J. P. O'Meara,	R. B. Wilson—18.

Those who voted in the negative, were—

Lewis Alexander, Sr.,	Thos. H. Hanks,	Thos. S. Pettit,
W. W. Ayres,	U. G. Harlow,	Granville Philpot,
John T. Bashaw,	P. R. Hays,	J. F. Porter,
W. P. Beard,	W. J. Hissem,	E. M. Pryse,
P. S. Bruner,	F. W. Hutcheson,	A. T. Pullen,
Polk Cansler,	Daniel James,	C. D. Reed,
B. E. Caudill,	J. S. Joplin,	S. H. Shouse,
J. S. Cullen,	T. S. Kirk,	Fenton Sims,
J. E. Durham,	C. W. Mathers,	C. C. Spalding,
D. B. Edmiston,	Hiram McElroy	John M. Tinsley,
John Finn,	W. F. Peak,	John D. Woods—34.
Geo. T. Halbert,		

So said motion was rejected.

Mr. Bashaw moved to amend said bill by striking out of section 2 the words and figures "the sum of \$1,350," and inserting in lieu there the words "five dollars for each Senator and Representative per annum."

Said amendment was rejected.

Mr. Cullen moved to strike out section 2.

Said amendment was lost.

Mr. Bruner moved to amend said bill by striking out all of section 3.

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Bruner and Cansler, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. E. Durham,	Thos. S. Pettit,
W. W. Ayres,	U. G. Harlow,	Granville Philpot,

W. P. Beard,	P. R. Hays,	J. F. Porter,
B. T. Birkhead,	F. W. Hutcheson,	S. H. Shouse,
P. S. Bruner,	Daniel James,	W. R. Stewart,
Polk Cansler,	J. S. Joplin,	J. R. Thomas,
B. E. Caudill,	T. S. Kirk,	John M. Tinsley—23.
J. S. Cullen,	W. F. Peak,	

Those who voted in the negative, were—

T. J. Arnett,	J. M. Frazee,	J. P. O'Meara,
W. S. Bailey,	Wm. Garrison,	A. T. Pullen,
Posey D. Ball,	J. P. Gay,	C. D. Reed,
John T. Bashaw,	J. C. Glenn,	D. H. Severs,
John Botts,	Thos. H. Hanks,	Fenton Sims,
A. J. Carroll,	R. K. Hart,	C. C. Spalding,
L. J. Cox,	H. K. Hay,	W. W. Stephenson,
W. J. Cox,	W. J. Hissem,	D. W. Tribble,
J. M. Dawson, Jr.,	R. M. Kincheloe,	N. S. Walton,
James R. Dean,	William Krieger,	J. H. Welch,
E. M. Dickson,	W. H. May,	H. P. Whitaker,
D. B. Edmiston,	Hiram McElroy,	R. B. Wilson,
McD. Ferguson,	M. D. McNerney,	John D. Woods—41.
John Finn,	Harvey Myers,	

Mr. Peak moved to amend said bill by striking out sections 5, 6 and 7.

Said amendment was adopted.

The yeas and nays being required thereon by Messrs. Mathers and Halbert, were as follows, viz :

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	Geo. T. Halbert,	W. F. Peak,
W. W. Ayres,	U. G. Harlow,	Thos. S. Pettit,
B. T. Birkhead,	P. R. Hays,	Granville Philpot,
P. S. Bruner,	W. J. Hissem,	J. F. Porter,
Polk Cansler,	F. W. Hutcheson,	A. T. Pullen,
B. E. Caudill,	Daniel James,	C. D. Reed,
J. S. Cullen,	J. S. Joplin,	S. H. Shouse,
J. M. Dawson, Jr.,	T. S. Kirk,	W. R. Stewart,
J. E. Durham,	William Krieger,	J. R. Thomas,
McD. Ferguson,	C. W. Mathers,	John M. Tinsley,
John Finn,	Hiram McElroy,	N. S. Walton,
Wm. Garrison,	John Lee Payne,	John D. Woods—37.
J. C. Glenn,		

Those who voted in the negative, were—

T. J. Arnett,	D. B. Edmiston,	J. P. O'Meara,
W. S. Bailey,	J. M. Frazee,	D. H. Severs,

Posey D. Ball,	J. P. Gay,	Waller Sharp,
John T. Bashaw,	Thos. H. Hanks,	C. C. Spalding,
John Botts,	R. K. Hart,	W. W. Stephenson,
A. J. Carroll,	H. K. Hay,	D. W. Tribble,
L. J. Cox,	W. H. May,	J. H. Welch,
W. J. Cox,	M. D. McInerney,	R. B. Wilson—26.
E. M. Dickson,	Harvey Myers,	

Mr. Tinsley moved to amend said bill by striking out section 8.

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Tinsley and Halbert, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	P. R. Hays,	J. F. Porter,
B. T. Birkhead,	F. W. Hutcheson,	C. D. Reed,
P. S. Bruner,	J. S. Joplin,	S. H. Shouse,
Polk Cansler,	T. S. Kirk,	W. R. Stewart,
B. E. Caudill,	John S. May,	J. R. Thomas,
J. E. Durham,	W. F. Peak,	John M. Tinsley,
Geo. T. Halbert,	Thos. S. Pettit,	N. S. Walton—21.

Those who voted in the negative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	A. T. Pullen,
T. J. Arnett,	J. P. Gay,	I. M. Quigley,
W. S. Bailey,	J. C. Glenn,	D. H. Severs,
John T. Bashaw,	Thos. H. Hanks,	Waller Sharp,
John Botts,	R. K. Hart,	Fenton Sims,
A. J. Carroll,	Daniel James,	C. C. Spalding,
L. J. Cox,	William Krieger,	W. W. Stephenson,
J. M. Dawson, Jr.,	W. H. May,	D. W. Tribble,
James R. Dean,	Hiram McElroy,	J. H. Welch,
E. M. Dickson,	M. D. McInerney,	H. P. Whitaker,
D. B. Edmiston,	Harvey Myers,	R. B. Wilson,
McD. Ferguson,	J. P. O'Meara,	John D. Woods—38.
John Finn,	E. M. Pryse,	

Mr. Woods moved to amend said bill by adding to section 8, after the word "engrossed," in line 3, the words : "Not to exceed in the aggregate five hundred dollars."

Said amendment was rejected.

The yeas and nays being required thereon by Messrs. Woods and J. R. Thomas, were as follows, viz :

Those who voted in the affirmative, were—

W. W. Ayres,	Geo. T. Halbert,	W. F. Peak,
B. T. Birkhead,	P. R. Hays,	Thos. S. Pettit,
P. S. Bruner,	F. W. Hutcheson,	Granville Philpot,
Polk Cansler,	Daniel James,	C. D. Reed,
B. E. Caudill,	J. S. Joplin,	S. H. Shouse,
J. S. Cullen,	T. S. Kirk,	W. R. Stewart,
J. M. Dawson, Jr.,	C. W. Mathers,	J. R. Summers,
J. E. Durham,	John S. May,	J. R. Thomas,
McD. Ferguson,	Hiram McElroy,	N. S. Walton,
Wm. Garrison,	John Lee Payne,	John D. Woods—31.
J. C. Glenn,		

Those who voted in the negative, were—

Lewis Alexander, Sr.,	J. M. Frazee,	I. M. Quigley,
T. J. Arnet,	J. P. Gay,	D. H. Severs,
W. S. Bailey,	U. G. Harlow,	Waller Sharp,
Posey D. Ball,	R. K. Hart,	Fenton Sims,
John T. Bashaw,	W. J. Hissem,	C. C. Spalding,
John Botts,	William Krieger,	W. W. Stephenson,
A. J. Carroll,	W. H. May,	John M. Tinsley,
L. J. Cox,	M. D. McInerney,	D. W. Tribble,
James R. Dean,	Harvey Myers,	J. H. Welch,
E. M. Dickson,	J. P. O'Meara,	H. P. Whitaker,
D. B. Edmiston,	E. M. Pryse,	R. B. Wilson—35.
John Finn,	A. T. Pullen,	

Mr. Cansler moved to amend said bill by adding as an additional section the following :

§ —. To James Walker, for services waiting on committees of House and Senate during session, \$50 ; to John Thompson, for extra services, \$25.

Said amendment was adopted.

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That the following sums of money are hereby appropriated to the following named persons, to be paid by the Treasurer, out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor of Public Accounts :

§ 2. To E. Polk Johnson, Public Printer, for daily paper furnished the members during the present sessions, commencing December 31, 1891, and including the extra session, the sum of \$1,350.

§ 3. To the Clerk and Assistant Clerk of the Senate for keeping the accounts of members and officers of the Senate, and making out warrants for salary during said session, each \$40.

§ 4. To the Clerk and Assistant Clerk of the House of Representatives for keeping the accounts of the members and officers of the House of Representatives during said sessions, and making out warrants for salary, each \$100.

§ 5. To James H. Swango for enrolling bills for Senate, \$7.50.

§ 6. To John Haly for enrolling bills for Senate, \$7.00.

§ 7. To Miss Kate Kiernan for enrolling bills for Senate, \$15.25.

§ 8. To those persons who have done engrossing by orders of the Clerks of the two Houses during said sessions, the sum of twenty-five cents a page for each page engrossed, and the Clerks of the Senate and House shall certify the number of pages so engrossed for their respective Houses, and the names of the persons having done the same, to the Auditor.

§ 9. To Wm. Cromwell for room rent for Senate Clerk's office from the 25th day of August, 1892, up to and including five days after date of adjournment, the sum of \$150.

§ 10. To Todd Hall for amount paid for post-office box rent, \$7.

§ 11. To J. Weitzel for entertaining the Hon. John R. Fellows, of New York, the invited guest of Kentucky, per account filed, the sum of \$34.25.

§ 12. To Mrs. James Hyden for washing rollers and towels for basement, from April 2, 1892, to July 3, 1893, the sum of \$75.

§ 13. To Nettie Lewis for washing towels for Senate cloak room, the sum of \$60.

§ 14. To Georgia Adams for washing towels for House cloak-room, \$81.20.

§ 15. To Moses Butcher for waiting on special committee in contest election case of Middleton vs. Harned, keeping up fires in rotunda, doing extra work for General Assembly on Sunday, etc., the sum of \$100.

§ 16. To James Brown for waiting on Revisory Commission, the sum of \$90.

§ 17. To James Coleman for keeping up fires for Committees in Auditor's office of nights and waiting on same, the sum of \$50.

§ 18. To John W. Miller and Price M. Taylor, telegraph messengers, the sum of \$15 each.

§ 19. To Mary Dennison for washing towels for back capitol, from December 30, 1891, to August 1, 1892, \$13.80.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker (Moore), George Will. Follis, John Lee Payne,
Lewis Alexander, Sr., J. M. Frazee, Thos. S. Pettit,

T. J. Arnett,	Wm. Garrison,	E. M. Pryse,
W. W. Ayres,	J. P. Gay,	A. T. Pullen,
W. S. Bailey,	J. C. Glenn,	I. M. Quigley,
Posey D. Ball,	U. G. Harlow,	C. D. Reed,
John T. Bashaw,	R. K. Hart,	D. H. Severs,
B. T. Birkhead,	H. K. Hay,	Waller Sharp,
John Botts,	B. B. Hensley,	Fenton Sims,
A. J. Carroll,	Daniel James,	C. C. Spalding,
L. J. Cox,	R. M. Kincheloe,	W. W. Stephenson,
W. J. Cox,	William Krieger,	J. R. Summers,
J. M. Dawson, Jr.,	W. H. May,	D. W. Tribble,
James R. Dean,	Hiram McElroy,	J. H. Welch,
E. M. Dickson,	M. D. McInerney,	H. P. Whitaker,
D. B. Edmiston,	Harvey Myers,	R. B. Wilson,
McD. Ferguson,	J. P. O'Meara,	John D. Woods—52.
John Finn,		

Those who voted in the negative, were—

W. P. Beard,	Thos. H. Hanks,	W. F. Peak,
P. S. Bruner,	P. R. Hays,	J. F. Porter,
Polk Cansler,	W. J. Hissem,	S. H. Shouse,
B. E. Caudill,	F. W. Hutcheson,	W. R. Stewart,
J. S. Cullen,	J. S. Joplin,	J. R. Thomas,
J. E. Durham,	T. S. Kirk,	John M. Tinsley,
Geo. T. Halbert,	John S. May,	N. S. Walton—21.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day S. B. 258, entitled
An act to provide police protection for counties containing
cities of the second class.

Mr. James moved to amend said bill as follows, viz :

Amend section 4 by adding the following thereto :

Provided, however, That the request of the majority of the voters in the precinct as above mentioned shall not be considered to have been made until at a regular election the question has been submitted to the voters whether an assignment of policemen to the precinct shall be made, and a majority have voted in the affirmative.

Mr. Myers moved to amend said bill by striking out section 8.
Said amendment was rejected.

Ordered, That said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. That all counties that now or hereafter may

contain a city of the second class shall constitute police districts.

§ 2. Each such police district shall be governed by an executive board, to be known as "The Board of Commissioners of Police," and be composed of five persons, who shall be citizens and residents of the county, freeholders, and have resided in the county for three years next before their appointment. Said commissioners shall be appointed by the circuit court judge of the county. Their term of office shall be two years. The first appointment shall be made as soon as may be after the taking effect of this act, and the commissioners then appointed shall serve for two years, from and after January 1, 1894. Vacancies in the board shall be filled for the unexpired term by the circuit court judge.

§ 3. The commissioners shall qualify by taking the constitutional oath, before any officer authorized to administer oaths. They shall from their number elect a president and secretary. They shall serve without compensation, except that the secretary may be paid an annual salary not exceeding \$150. Each commissioner shall be a conservator of the peace in the county. The commissioner may administer oaths, and in the investigation of charges preferred against any member or officer of the county police force, shall have the same power to compel the attendance and testimony of witnesses that circuit court judges have. The commissioners shall have an office in the largest city in the county at which circuit court is held. They shall have power to make such rules and regulations for the government of themselves and the police force of the county as they may deem proper, not in conflict with this act or the laws of the land.

§ 4. The commissioners shall, as soon as may be, divide the county into precincts, and in so doing each city or town shall constitute a separate precinct, and the county outside said cities and towns shall be so divided that each precinct shall include one or more entire taxing districts. At the request of the governing board or boards of any precinct where the same are established, and where none are established at the request of the majority of the voters in the precinct who voted at the next previous election, the commissioners shall assign such officers and men of the county police force as may have been requested for service in such precinct.

§ 5. Each precinct requesting the assignment of a police force shall state the number of men desired, and shall furnish all the accoutrements, furniture, weapons and other things needful for the police at its own proper cost and expense. Each precinct shall pay the members of the county force assigned for service therein, and each precinct having a police force assigned to it shall also pay such portion of the expenses of the commissioners as the commissioners shall apportion to it. The commissioners shall fix the salaries of all officers and men in the police force. The salary of the chief of police in counties having a popula-

tion of fifty thousand or over shall be not less than twenty-four hundred dollars, nor more than three thousand dollars per annum. The commissioners shall have the authority to require the precinct having police force assigned to it, as hereinbefore provided, to provide all necessary property for the force, and in case of dispute as to the necessity thereof, the matter shall be referred to the circuit court judge, who shall determine whether the precinct shall provide the same, in view of the needs of the service and the practical ability of the precinct: and the decision of the circuit court judge shall be final, and be enforced by proceedings as for contempt against the governing authority of the precinct. The title to all property now used by the police force at any precinct shall vest in the board of commissioners, in trust for the precinct, and a correct account of the same shall, at all times, be kept, and a report of the condition of the same shall, annually, be submitted to the governing authority of the precinct.

§ 6. Whenever any precinct requests the assignment of a police force, the commissioners shall proceed to appoint a chief of the police for that precinct, and the respective chiefs shall nominate all the officers and men under them, who, if approved by the board, shall be appointed. Members of the police force shall be appointed at the pleasure of the board, but shall not hold longer than four years without reappointment. The chief of the police in any precinct shall have the absolute right of dismissal of any officer or man under him. No one shall be appointed an officer or member of the police force who has not been a citizen of the county for two years, and who is not a sober, discreet man. Members of the police force, not residents of the precinct to which they are assigned, shall remove thereto, and shall reside therein while so assigned. Members of the police force shall each take the oath of office required by the Constitution, and give such bond as the commissioners may require, and, in addition thereto, the chief of each force shall give bond for the safe-keeping and forthcoming of all the property in use by his force, which shall be inventoried and accounted for once a year. All members of the police force shall have power to make arrests anywhere within the county, and may, at any time, be detailed by the commissioners to do so. No member of the police department shall be a delegate to, or in any manner take part in, any political convention, or in any election, primary or legal, except to cast his own vote. Every member of said department shall be an elector of the district. No person shall be eligible to the position of policeman unless he be known to be of good character, sober, sagacious, and to lead a moral life, not under twenty-five, and not over sixty years of age. No person shall be a policeman while under indictment for felony; nor shall any one be permitted to remain on the force while under indictment for felony; nor shall any person be retained on the force who makes his abode in a house

where liquor is sold, or who is in any way interested in the sale of liquor.

§ 7. No policeman shall, at any election, primary or legal, remain at any voting place or poll, or approach nearer to the same than sixty feet, save for these following purposes only, to wit: To make an arrest under a warrant, or for an offense committed in his presence; for a felony without a warrant; to cast his vote; to suppress a breach of the peace then impending when called upon to do so by the authorities conducting the election, or when called upon by said authorities to aid them in the discharge of their duties. A violation of any of the provisions of this section shall be deemed an interference with an election, and shall subject any policeman now in service, or hereafter appointed, so offending, on conviction, under an indictment in the circuit court, to a fine of not less than one hundred dollars nor more than five hundred dollars, and confinement in the county jail not less than six and not exceeding twelve months. On the finding of any such indictment, the policeman or fireman so indicted shall be at once dismissed from the force; and on conviction of having been drunk, or of any violation or neglect of duty, any policeman shall likewise be dismissed. No person who has been convicted of a felony, either in or out of this State, shall be eligible as a policeman.

§ 8. Because it is necessary to provide police protection for the counties mentioned in this act, there is an emergency that this act go into immediate effect, and this act shall go into effect as soon as approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Lewis Alexander, Sr.,	J. P. Gay,	A. T. Pullen,
W. S. Bailey,	B. B. Hensley,	C. D. Reed,
Posey D. Ball,	R. M. Kincheloe,	D. H. Severs,
A. J. Carroll,	C. W. Mathers,	Waller Sharp.
L. J. Cox,	W. H. May,	C. C. Spalding,
J. M. Dawson, Jr.,	M. D. McInerney,	N. S. Walton,
E. M. Dickson,	Harvey Myers,	J. H. Welch,
McD. Ferguson,	J. P. O'Meara,	H. P. Whitaker.
George Will. Follis,	John Lee Payne,	John D. Woods—28.
J. M. Frazee,		

Those who voted in the negative, were—

Mr. Speaker (Moore),	Thos. H. Hanks,	Granville Philpot,
W. W. Ayres,	H. K. Hay,	E. M. Pryse,
P. S. Bruner,	P. R. Hays,	S. H. Shouse,
Polk Cansler,	W. J. Hissem,	Fenton Sims,

B. E. Caudill,	F. W. Hutcheson,	W. R. Stewart,
J. S. Cullen,	T. S. Kirk,	J. R. Summers,
J. E. Durham,	W. F. Peak,	John M. Tinsley,
John Finn,	Thos. S. Pettit,	R. B. Wilson—25.
Geo. T. Halbert,		

So said bill was rejected.

A message was received from the Governor, announcing that he had approved and signed bills and a resolution, which originated in the House, of the following titles, viz :

H. B. 543. An act for the government of cities of the first class.

H. B. 547. An act to provide for the lighting of the Governor's Mansion and other State buildings at Frankfort with electricity instead of gas.

H. B. 562. An act to provide for the levy and collection of a tax in certain common school districts to pay off indebtedness incurred by the trustees of such school districts in erecting and furnishing school-houses.

H. B. 537. An act to amend an act, entitled "An act relating to State penitentiaries," approved ———, 1893, and declaring an emergency.

H. B. 258. An act to establish a State Board of Pharmacy, defining its duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky.

H. B. 552. An act to amend an act, entitled "An act for the government of towns of the sixth class."

H. Res. 106. Resolution directing the Public Printer to print and deliver to the Superintendent of Public Instruction 500 copies of the law providing for the management and administration of the Agricultural and Mechanical College.

The House took from the orders of the day S. B. 250, entitled An act relating to the employes of the General Assembly.

Mr. Pettit moved to amend said bill as follows, viz :

Amend section 2 by adding after the word "Clerk," in line 9, these words: "He shall assist the Clerks of the House and Senate at their request, and shall do the engrossing of bills and other papers ordered to be engrossed by the respective Houses."

Said amendment was rejected.

Mr. Halbert moved to amend said bill as follows, viz :

Insert after "\$8," in line 3, section 4, "per day each during the session, and for ten days after adjournment for preparing bills for publication."

Mr. Sims moved to amend said bill as follows, viz :

Amend line 3, section 4, by striking out "\$8" and inserting "\$10" in lieu thereof.

Mr. Sims moved to amend said bill as follows, viz :

Strike out "to do all necessary engrossing of bills," in line 4, section 2, and insert after "Clerk," in line 9, section 2, "and to do all necessary engrossing of bills under the direction and supervision of the Chief Clerk of their respective Houses."

Ordered, That said bill be read the third time.

Said bill was read the third time and passed, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky : § 1. At the beginning of each regular session of the General Assembly, each House thereof shall elect one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant-at-Arms, one Door-keeper, and one Janitor, and the Senate shall elect one Cloak-room Keeper and three Pages ; and the House of Representatives shall elect two Cloak-room Keepers and four Pages.

§ 2. In addition to such other duties as may be prescribed by each House, it shall be the duty of the Chief Clerk and Assistant Clerk to keep a true and correct journal of each day's proceedings, to do all necessary engrossing of bills, to keep the accounts and certify the per diem of members and employes, and to read and compare enrolled bills ; of the Enrolling Clerks to correctly enroll without delay all bills delivered to them for that purpose, and which originate in the House of which he is the Enrolling Clerk ; of the Sergeant-at-Arms to direct and superintend the Pages and the delivery of the mail, and to perform the duties of the Door-keeper in his absence ; of the Door-keeper to superintend and direct the Janitor, and to perform the duties of the Sergeant-at-Arms in his absence ; of the Janitor to keep the hall and anterooms swept and in order, to light the hall and make fires when necessary, to provide water for drinking and toilet purposes, and to perform the duties of Cloak-room Keeper in his absence ; of the Cloak-room Keeper to take charge of, and safely keep until called for, the cloaks, overcoats, hats, umbrellas, walking-canes and other articles placed in his charge by members or employes, and he shall be liable to the owner for any loss caused by his negligence, and of the Pages to obey the directions of the Sergeant-at-Arms, and, during his absence, the directions of the Door-keeper.

§ 3. It shall be the duty of each of said employes to be in attendance on the daily sessions of the House in which he is an employe, and he shall not absent himself from the seat of government during the session of the General Assembly without a leave of absence.

§ 4. All of said employes shall receive a per diem, which shall be in full for all services rendered by them, and it shall be as follows: That of the Chief Clerk and Assistant Clerk, \$8; that of the Enrolling Clerk, \$6; that of the Sergeant-at-Arms and Door-keeper, \$5; that of the Janitor, \$4; that of the Cloak-room Keeper, \$3, and that of the Pages, \$2.50.

§ 5. No other employes shall be elected, appointed, employed or paid for without the joint action of the two Houses.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker (Moore),	McD. Ferguson,	W. F. Peak,
Lewis Alexander, Sr.,	John Finn,	Thos. S. Pettit,
W. W. Ayres,	George Will. Follis,	Granville Philpot,
W. S. Bailey,	Wm. Garrison,	E. M. Pryse,
John T. Bashaw,	J. P. Gay,	A. T. Pullen,
B. T. Birkhead,	J. C. Glenn,	C. D. Reed,
John Botts,	Geo. T. Halbert,	Waller Sharp,
P. S. Bruner,	Thos. H. Hanks,	S. H. Shouse,
Polk Cansler,	H. K. Hay,	Fenton Sims,
B. E. Caudill,	P. R. Hays,	C. C. Spalding,
L. J. Cox,	W. J. Hissem,	W. R. Stewart,
W. J. Cox,	Daniel James,	J. R. Summers,
J. S. Cullen,	R. M. Kincheloe,	J. R. Thomas,
J. M. Dawson, Jr.,	T. S. Kirk,	John M. Tinsley,
James R. Dean,	C. W. Mathers,	N. S. Walton,
E. M. Dickson,	John S. May,	R. B. Wilson,
J. E. Durham,	J. P. O'Meara,	John D. Woods—53.
D. B. Edmiston,	John Lee Payne,	

Those who voted in the negative, were—

M. D. McInerney, Harvey Myers—2.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wilson moved the adoption of the following resolution, viz:

WHEREAS, This House has learned with regret of the recent death of Hon. Mathew Rebholtz, of Campbell county, a former member of this House.

1. *Resolved*, That we feel by the death of Hon. Mathew Rebholz the State has lost an able, wise and efficient citizen, a worthy, useful and honest man, and his neighbors a true friend.

2. We tender our sincere sympathy to the people of his county for the loss sustained in common with them, and to his family this expression of condolence in their bereavement.

3. That these resolutions be spread upon the Journal of the House and a copy forwarded to his family.

Said resolution was adopted.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills and a joint resolution, which originated in the Senate, of the following titles, viz :

S. B. 240. An act to regulate the charitable institutions supported by the State ;

S. B. 250. An act relating to the employes of the General Assembly ;

S. B. 255. An act appropriating money ;

S. B. 71. An act providing for actions in certain cases ;

S. B. 204. An act in relation to the Library of the Commonwealth and the Librarian thereof, and entitled " Library ; "

S. B. 249. An act prohibiting companies, associations and corporations of other States or countries from possessing, controlling, maintaining or operating any railway or part thereof in this State until they have become corporations, citizens and residents of this State ;

S. B. 253. An act to amend section 364 of the Civil Code ;

S. B. 256. An act empowering cities of the second class to issue bonds for the construction of sewers which, by laws heretofore enacted, they are authorized to construct at the general expense of, and pay for out of taxes levied on, all the taxable property of such cities ;

S. B. 260. An act to authorize the appointment of official stenographic reporters in counties containing a population of seventy-five thousand or over ;

S. Resolution 68. Resolution for the benefit of the preachers of the Gospel of Frankfort ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills and resolution would now be read, and that he would sign the same to the end that they may become laws.

Said bills and resolution were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that he had performed that duty.

Mr. Hissem, from the Committee on Enrollments, reported that they had examined enrolled bills, which originated in the House, of the following titles, viz :

H. B. 533. An act to authorize Hardin county to dispose of the surplus money now on hand arising from its subscriptions to the stock of the Louisville and Nashville Railroad Company, and declaring an emergency ;

H. B. 571. An act for the creation and organization of towns of this Commonwealth ;

H. B. 577. An act to amend section 19 of an act, entitled "An act fixing the times and terms of circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892 ;

H. B. 570. An act to repeal an act, entitled "An act to incorporate the town of East View, in Hardin county," approved May 16, 1890 ;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bills would now be read, and that he would sign the same to the end that they might become laws.

Said bills were then read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bills to the Senate.

After a time said Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bills to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

And then the House adjourned.

MONDAY, JULY 3, 1893.

The House was opened with prayer by Rev. H. G. Henderson, of the M. E. Church, South.

Mr. Speaker Moore in the chair.

Upon a call of the roll, the following members answered to their names, viz :

Mr. Speaker (Moore),	John Finn,	John Lee Payne,
Lewis Alexander, Sr.,	George Will. Follis,	W. F. Peak,
W. S. Bailey,	J. M. Frazee,	Thos. S. Pettit,
John T. Bashaw,	Wm. Garrison,	E. M. Pryse,
B. T. Birkhead,	J. C. Glenn,	A. T. Pullen,
John Botts,	Geo. T. Halbert,	I. M. Quigley,
P. S. Bruner,	Thos. H. Hanks,	C. D. Reed,
Polk Cansler,	C. G. Harlow,	D. H. Severs,
A. J. Carroll,	R. K. Hart,	Waller Sharp,
B. E. Caudill,	H. K. Hay,	S. H. Shouse,
L. J. Cox,	W. J. Hissem,	Fenton Sims,
Will J. Cox,	F. W. Hutcheson,	W. R. Stewart,
J. M. Dawson, Jr.,	Daniel James,	J. R. Summers,
James R. Dean,	J. S. Joplin,	John M. Tinsley,
E. M. Dickson,	John S. May,	D. W. Tribble,
J. E. Durham,	Hiram McElroy,	N. S. Walton,
D. B. Edmiston,	M. D. McInerney,	John D. Woods—53.
McD. Ferguson,	J. P. O'Meara,	

The following members were absent, viz :

T. J. Arnett,	P. R. Hays,	J. A. Perkins,
W. W. Ayres,	B. B. Hensley,	Granville Philpot,
Posey D. Ball,	Berry Howard,	J. F. Porter,
John Bartman,	W. W. Johnson,	R. E. Roberts,
R. F. Bass,	R. M. Kincheloe,	John Ryan,

W. P. Beard,
B. F. Bennett,
A. H. Charlton,
F. P. Combest,
R. F. Comer,
Wesley Crow,
J. S. Cullen,
Ben. F. Gardner,
J. P. Gay,
S. M. Gough,
A. L. Harned,

T. S. Kirk,
Henry Kremer,
William Krieger,
Lewis Y. Leavell,
John M. Letterle,
H. P. Lively,
C. W. Mathers,
W. H. May,
Harvey Myers,
W. F. Neat,
Eli Nicholls,

C. C. Spalding,
W. W. Stephenson,
Samuel O. Tate,
Lewis E. Thomas,
J. R. Thomas,
J. H. Welch,
H. P. Whitaker,
B. F. Willett,
Geo. E. Willett,
R. B. Wilson—47.

The Journal of Saturday was approved.

Mr. Pettit moved the following resolution, which was adopted, viz :

Resolved, That the thanks of this House are tendered Mr. S. C. Sayres for the excellent and always correct report of its proceedings which he has made for the Daily Capital during the long session now about to close. Not for a day, not for an hour, has he been absent from his post. So regular has been his attendance that his absence would have seemed to break a quorum and rendered further proceedings out of order. The fact that he performed like services more than forty years ago ; that he reported the proceedings of the Constitutional Convention of 1849, and that he is still a hale and vigorous youth, gives hope that he may long remain to faithfully serve the State. Age does not wither nor custom stale his infinite usefulness to his fellow-man and this friendly tribute to him but faintly shadows forth the esteem in which he is held by this House.

Mr. Hissem moved the following resolution, which was adopted :

WHEREAS, The members of this House have been the recipients of unusual kindness at the hands of the directors and members of the Frankfort Athletic Club in being permitted the use of their elegant rooms, where we have spent many hours of recreation and enjoyed the intellectual feasts in their reading room ; therefore, be it

Resolved by the House of Representatives of the Commonwealth of Kentucky, That we tender our sincere thanks to the membership of the club for their uniform kindness to us, and that we wish them the boundless prosperity which is commensurate with the hospitable treatment they have accorded us.

Resolved, That a copy of these resolutions be furnished the directory of said club by the Clerk of this House.

Mr. Tinsley moved the following resolution, which was adopted :

Resolved, That the thanks of this House be, and are hereby, extend-d to Hon. Green R. Keller and Hon. James E. Stone for the able, faithful and efficient manner in which they have performed their duties as Clerk and Assistant Clerk during this session of the Legislature.

Mr. Frazee moved the following resolution, which was adopted :

Resolved, That it is with feelings of the deepest regret that this House part with the Hon. Steve Bailey, and the people of Carroll county are to be congratulated upon his return to their presence.; and it is the judgment of this House that the interests of the State can not be better suberved than by his return to the next General Assembly.

Mr. Botts moved the following resolution, which was adopted :

Resolved, That the thanks of this House are due, and hereby tendered, the Hon. W. M. Moore, as Speaker of the House thereof, for his able and impartial rulings during this very long and tedious session.

Mr. Botts moved the following resolution, which was adopted :

Resolved, That we tender our thanks to Messrs. Marksbury, Cowan and Kincaid, reporters, for the fair, impartial and correct reports of the business of this House.

Mr. Birkhead moved the following resolution, which was adopted.:

Resolved, That the thanks of this House be extended to the people of Frankfort for the uniform courtesy shown us during our stay in the Capital City.

Mr. Edmiston moved the following resolution, which was adopted.:

Resolved by the House, That the custodian of printed bills of the House be direct-d to furnish the Codifying Committee with six copies of the bills passed by this General Assembly out of the bills in his charge, and he may dispose of other printed matter in his custody.

Mr. Bailey moved the following resolution, which was adopted :

Resolved, That the House hereby tenders its sincere thanks to the State Librarian, Mrs. Mary B. R. Day, and Assistant Librarian, Frank B. Kavanaugh, for their unnumbered courtesies and acts of personal kindness to members of this House.

Mr. Sims moved the following resolution, which was adopted :

Resolved, That this House gratefully appreciates the uniform impartiality, the ability, the courtesy and kindness with which the "Harmonizer," Capt. Todd Hall, has served this body, and we offer this expression in recognition of those sterling qualities of head and heart which have ever characterized his bearing in performing his duties as Janitor.

Mr. Peak moved the following resolution, which was adopted :

Resolved, That the thanks of this House are due, and are hereby tendered, to the ministers of the Gospel for their faithful services in opening the daily sessions with prayer.

Mr. Botts moved the following resolution, which was adopted :

Resolved, That the thanks of this House are due the Pages thereof for their uniform politeness and their attention to their arduous duties during this session of the General Assembly.

Mr. W. J. Cox moved the following resolution, which was adopted :

Resolved, That the especial thanks of the House are hereby tendered the citizens of the Capital City for the splendid banquet given the Legislature on the evening of June 22, 1893, at which the following menu was served :

MENU.

Consomme.
Sherry.
Tomatoes, a la Mayonnaise.
Spring Lamb with Petit Pois.
Claret.
Sliced Cucumbers.
Roman Punch.
Spring Chicken with Champignons.
Brain Patties.
Raspberries.
Individual Ices. Assorted Cakes.
Pommery "Sec" and G. H. Mumm's "Extra Dry."
Coffee.
Cheese and Crackers.
Cigars.

A message was received from the Senate, announcing that they had passed a bill and adopted a resolution, which originated in the House, of the following titles, viz :

H. B. 576. An act authorizing cities of the second class to issue funding and refunding bonds.

H. Resolution 114. Resolution appropriating money to retouch and regild portraits belonging to the State.

Mr. Frazee moved that a committee be appointed, to act with a like committee from the Senate, to wait upon the Governor and notify him that the General Assembly was about to adjourn, and to ask him if he had any further communication to make to the General Assembly.

Said motion was adopted.

Whereupon the Speaker appointed Messrs. Frazee, Garrison and Welch as said committee upon the part of the House.

After a time the committee returned, reported that they had performed the duty assigned them, and that the Governor had no further communication to make to the General Assembly, except that he wished to be remembered kindly by the members thereof, and desired to assure them that he entertained only the highest regard for every member of the body.

The committee was discharged.

Mr. Edmiston, from the Committee on Enrollments, reported that they had examined an enrolled bill and a joint resolution, which originated in the House, of the following titles, viz:

H. B. 576. An act authorizing cities of the second class to issue funding and refunding bonds;

H. Resolution 114. Resolution appropriating money to retouch and regild portraits belonging to the State;

And that they had found same correctly enrolled.

The Speaker suspended all other business, and declared that said bill and resolution would now be read, and that he would sign the same to the end that they might become laws.

Said bill and resolution were then severally read at length and compared, and being found correctly enrolled, the Speaker, in presence of the House, in open session, and before any other business was entertained, affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said bill and resolution to the Senate.

After a time the Enrolling Clerk reported that he had performed said duty, and delivered the enrolled and original bill and resolution to the Clerk of the House.

Ordered, That the Clerk of the House immediately present the same to the Governor for his signature and approval.

After a time the Clerk of the House reported that he had performed that duty on this day.

In accordance with a resolution adopted by both Houses of the General Assembly, the Speaker appointed Messrs. Sims, Dickson and O'Meara, to act with a like commission from the Senate, to codify, revise, edit, index and collate the laws enacted by this General Assembly, and to prepare for publication the statutory laws of this Commonwealth.

Mr. Frazee moved that a committee be appointed to wait upon the Senate and notify that body that the House was ready to adjourn *sine die*.

Said motion was adopted.

Whereupon the Speaker appointed Messrs. Bailey, Tribble and Ferguson as said committee.

After a time the committee returned, reported that they had performed the duties assigned them, and asked to be discharged.

The committee was discharged.

A message was received from the Senate, announcing that that body was ready to adjourn *sine die*.

The hour of 12 o'clock M. having arrived, the Speaker (Mr. Moore) announced that the hour for final adjournment had arrived, and, with a few appropriate remarks, he declared the House adjourned without day.

G. R. KELLER,
Clerk House Representatives.

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